A

TREATISE

ON THE

POLICE

OF THE

METROPOLIS.



DIRECTION TO THE BINDER.

The Summary View of the Prisoners, &c. to be placed opposite page 250.

TREATISE

ON THE

POLICE OF THE METROPOLIS,

EXPLAINING THE

VARIOUS CRIMES AND MISDEMEANORS

Which at present are felt as a Pressure upon the Community;

AND

SUGGESTING REMEDIES

FOR THEIR

PREVENTION.

THE SECOND EDITION, REVISED AND ENLARGED.

BY A MAGISTRATE,

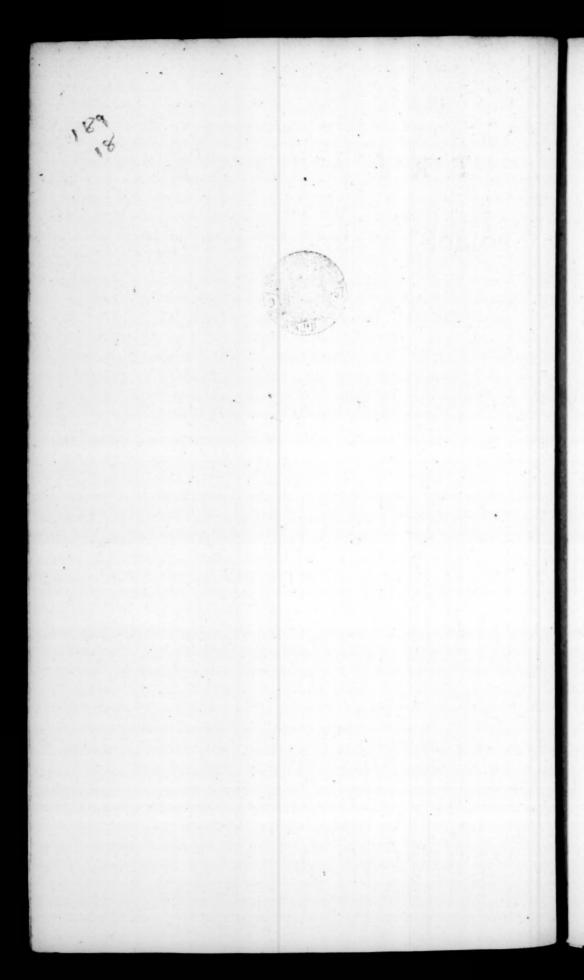
Acting for the Counties of Middlefex, Surry, Kent, and Esfex.—For the City and Liberty of Westminster—and for the Liberty of the Tower of London.

Meminerint legum conditores, illas ad proximum hunc finem accommodare; Scelera videlicet arcenda, refrænandaque vitia ac morum pravitatem.

Judices pariter leges illas cum vigore, æquitate, integritate, publicæque utilitatis amore curent exequi; ut justitia et virtus omnes societatis ordines pervadant. Industriaque simul et Temperantia inertiæ locum assumant et prodigalitatis.

LONDON:

FRINTED BY H. FRY, FINSBURY-PLACE,
FOR C. DILLY, POULTRY.
MDCCXCVI.



TO THE

READER.

THE Police of the Metropolis is a subject of great importance to be known and understood, since every innocent and useful member of the community has a particular interest in the correct administration of whatever relates to the morals of the people—to the protection of the public against depredation and fraud—and to the prevention of crimes.

It is a species of knowledge which cannot fail to press it-self upon the attention; as, the present insecurity with regard to property, and in some instances with respect to life itself, has become a subject so truly interesting, that every information upon it must be generally desirable.

With an immediate view to this particular object, the Au thorhas submitted to the consideration of the Reader, a variety of evils of great magnitude, with other specific details, which are not to be found in books, and of course have never been laid before the public through the medium of the Press.

It may therefore naturally be expected, that fuch an accumulation of delinquency, fystematically detailed, and placed in so prominent a point of view, must excite a considerable degree of association, wherever such subjects have not been familiar to the mind of the Reader.

This aftonishment will perhaps create a desire to investigate how far the amazing extent of the depredations upon the public, which has been stated in this Work, can be reconciled to reason and possibility.

Wherever doubts are entertained on this fubject, the Reader is referred to the general view which has been given of the vast magnitude and proud height to which the commerce of the metropolis has advanced,—where about 13.500 ships and vessels, and 40.000 waggons, (including their repeated voyages,) annually bring and carry away a moving property, estimated at One hundred and twenty Millions.*

If to this shall be added the merchandize, provisions, bank notes, and money deposited, and in constant transit within the metropolis in the course of a year, it will be found that the value of property exposed is by no means exaggerated when estimated at an additional Fifty Millions.

Let the mind pass from the contemplation of this vast aggregate of floating wealth, exposed to depredation in ten thousand different ways, and examine the present state of the morals of the metropolis by a reference to the various classes of individuals who live idly and support themselves by pursuits that are either criminal, illegal, dissolute, vicious, or depraved, it will be discovered that acts of delinquency and the corruption of manners, have uniformly kept pace with the increase of the riches of the capital, as will be more clearly elucidated by the sollowing melancholy Estimate (which the Author has been able to place in the present collected point of view, after much labour and investigation).

^{*} Vide Chap. III. and XV. Pages 59, 60. 75, and 442.

60

Of Persons who are supposed to support themselves in and ne	ar the
Metropolis by pursuits either criminal—illegal—or immo	
1. Professed Thieves, Burglars, Highway Robbers,	

Pick-pockets, and River Pirates, who are completely profelyted, -many of whom have finished their education in the Hulks, and some at Botany-Bay.—N. B. There will be a confiderable increase of this class on the return of peace, now estimated at about (vide pages 64 & 94 to 111)

2. Professed and known Receivers of Stolen Goods,

of whom eight or ten are opulent * 3. Coiners, Colourers, Dealers, Venders, Buyers, and Utterers of base Money, including counterfeit Foreign and East India Coin: + vide pages 463, 464, 3.000

4. Thieves, Pilferers and Embezzlers who live partly by depredation, and partly by their own occafional labour: vide pages 112 to 142, 449 to 456, 8.000

5. River Pilferers, viz. Fraudulent Lumpers, Scufflehunters, Mud-larks, Lightermen, Riggers, Artificers and Labourers in the Docks and Arfenals:

vide pages 57 to 93, 457 to 462 2.500 6. Itinerant Jews, wandering from freet to freet,

holding out temptations to pilfer and fleal, and Jew Boys crying Bad Shillings, who purchase articles stolen by Servants, Stable Boys, &c. &c. generally paying in base Money ‡ 2.000

> Carried over ** 17.560

^{*} Cap. VIII. + Cap. VI. + Vide pages 43, 122, 123, 136, 172, 173, 174 and 191.

^{**} Discharged from the Hulks upon the public fince the commencement of this mode of punishment, including ef-Vide page 97, capes and pardons 2.530 Persons acquitted in 10 years at the Old Bailey 6.206 Discharged from all the Gaols in the metropolis, by procla-Vide page 98, mation, in four years, from 1791 to 1795 - -5.992 Discharged from ditto, idem, in consequence of acquittals Discharged from ditto, idem, after imprisonment 2.484 N. B. Under the present fishem there is not above one Offence in one 20.174 bundred that is discovered or profecuted.

149 10 406.

by pilering and palling Base Money—often- fibly Costard mongers, As drivers, Dostmen, Chimney sweepers, Rabbit sellers, Fish and Fruit sellers, Flash Conchmen, Bear baiters, Dog Keepers, (but in sact, Dog Stealers), &c. &c. † 9. Persons in the character of menial Servants, Jour- neymen, Warehouse Porters, and under Clerks, who are entrusted with property, and who defraud their employers in a little way, under circumstan- ces where they generally clude detection—ofti- mated at about (vide pages 451, 454 and 470.) 10. A class of Swindlers, Cheats, and low Gamblers, who are composed of title and dissolute Cha- racters who have abandoned every honest pur- fuit, and who live chiefly by fraudulent transac- tions in the Lottery as Morocco-Men, Russians, Bludgeon Men, Clerks, and Assistants during the feason, who at other times atlame the trade of Duffers, Hawkers and Pedlars; Storfe Dealers, Gamolers with L.O. Tables at Fairs, Utterers of Base Money, Lorse Stealers, &c. &c. vide pages 128, 165, 450 and 454. 11. Various other clesses of Cheats not included in the above, but described in pages 101 to 172, Vide pages 449, 453.	Brought over	17.560
at Old Iron hops, Store Shops, Rag and Thrum Shops, and Shops for fecond-hand Apparel, including fome fraudulent Hoftlers, fmall Butchers and Pawnbrokers * 8. A class of sufficious Characters, who live partly by pilering and passing Base Money—oftensibly Castard mongers, Ass drivers, D stmen, Chimney sweepers, Rabbit seilers, Fish and Fruit sellers, Flash Conchmen, Bear batters, Dog Keepers, (but in sach, Dog Stealers), &c. &c. † 9. Persons in the character of menial Servants, Journeymen, Warehouse Porters, and under Clerks, who are entrusted with property, and who destraud their employers in a little way, under circumstances where they generally clude detection—oftimated at about (vide pages 451, 454 and 470.) 10. A class of Swindlers, Cheats, and low Gamblers, who are composed of title and dissolute Characters who have abandoned every honest pursuit, and who live chiefly by fraudulent transactions in the Lottery as Morocco-Men, Russians, Bludgeon Men, Clerks, and Assistance the trade of Dussians, Hawkers and Pedlars, Fiorse Dealers, Gamolers with E.O. Tables at Fairs, Utterers of Base Money, Lorse Stealers, &c. &c. vide pages 128, 165, 450 and 454. 11. Various other clesses of Cheats not included in the above, but described in pages 101 to 172, Vide pages 449, 453.	7. Receivers of Stolen Goods from petty Pilferers,	
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Vide pages 449, 453	the above, but deferibed in pages 101 to 172	,
Carried over 34.5	Vide pages 449, 453 -	1.000
010	Carried over	34.500
* Vide vaces to with sea con son and are to art. + Vide pages 2		

12. Fraudulent

	Brought over	34,500
12.	Fraudulent and diffolute Publicans who are con- nected with Criminal People, and who, to ac- commodate their companions in iniquity, allow	
	their houses to be rendezvous for Thieves, Swindlers, and Dealers in Base Money *	
13	A class of inferior Officers belonging to the Customs and Excise, including what are called Su-	1.000
	pernumeraries and Glutmen, many of whom commve at pillage as well as frauds committed on the Revenue, and there in the plunder to a	
	very confiderable extent, principally from their inability to support themselves on the pittance al-	
14.	lowed them in name of falary, estimated at † A numerous class of Persons who keep Chand-	1.00
	ler's Shops f r the fale of provisions, tea, and other necessaries, to the poor.—The total number	
	is estimated at ten thousand in the metropolis, a certain proportion of whom, as well as small	
	Butchers and others, are known to cheat their customers (especially those to whom they give a	
	little credit) by false weights, for which, excepting in the parish of Mary-le-bone, there is no proper	
15.	check: vide note, pages 109 174 and 446 Servants, male and female, Porters, Hostlers,	3.500
-0.	Stable Boys, and Post Boys, &c. out of place, principally from ill behaviour and loss of cha-	
	racter, whose means of living must excite suf-	
	picion—at all times about (vide pages 451. 454 and 470)	10.000
16.	Perfons called Black-legs, and others profelyted to	

Carried over 50,000

^{*} About 1000 public-houses change masters once or twice, and in some inflances, three or four times a year in the metropolis, which are generally occupied by such characters. Vide pages 42 and 449. † Vide pages 69, and 459.

Brought over

50,000

the passion of Gaming, or pursuing it as a Trade, who are in the c nflant habit of frequenting houses opened for the express purpose of play, of which there are at least forty in Westminster, where Pharo Banks are kept, or where Hazard, Rouge a' Noir, &c. are introduced. Of thefe, five are kept in the houses of Ladies of Fashion, who are faid to receive £ 50 each rout, besides one eighth of the profits: feven are Subscription houses; five have customers particularly attached to them, and thirteen admit foreigners and every idle and dissolute character, who are either introduced or known to belong to the fraternity of Gamblers, where a fupper and wines are always provided by the proprietors of the house for the entertainment of their customers: vide pages 151 to 155, and 450

2.000

17. Spendthrifts—Rakes—Giddy Young Men inexperienced and in the pursuit of criminal pleafures—Profligate, loose, and dissolute Characters, —vitiated themselves and in the daily practice of feducing others to intemperance, lewdness, debauchery, gambling, and excess, estimated at *

3.000

18. Foreigners who live chiefly by Gambling - 500

Lodging-Houses for Proflitutes: vide page 469
20. Unfortunate Females of all descriptions, who support themselves chiefly or wholly by profli-

50.000

21. Strangers cut of work who have wandered up to London in fearch of employment, and without

tution: vide pages 452 and 453

Carried over 107,500

Vide pages 449 and 450.

recommendation,

Brought over 107,	500
recommendation, generally in confequence of fome misdemeanor committed in the Country,	
at all times above 1.	000
. Strolling Minstrels, Ballad Singers, Show Men,	
Trumpeters, and Gipfies 1.	500
destitute Boys and Girls, wandering and prowling about in the streets and bye-places after Chips, Nails, Old Metals, Broken Glass, Paper, Twine, &c. &c. who are constantly on the watch to	
pilfer when an opportunity offers - 2.	000
. Common Beggars and Vagrants asking alms, sup-	
poling one to every two streets - 3.	000
Total 115	,000

In contemplating this vaft catalogue of human depravity, which however still does not include every description of fraud or dishonesty which is practised) before the mind shall imbibe unfavourable impressions, it may be necessary to remind the Reader, that in justly appreciating the moral turpitude which attaches to fuch a phalanx of individuals, in many respects deluded and misled, it must be measured by a fcale proportioned to the unparalleled extent and opulence of the metropolis, and to the vast amount of moving property which exhibits London not only as the grand magazine of the British Empire, but also as the general receptacle for the idle and depraved of almost every Country, and certainly from every quarter of the dominions of the Crown,-where the temptations and refources for criminal pleasuresgambling-fraud and depredation, as well as for pursuits of honest industry, exceed every other situation; since it is known that London, besides being the seat of Government, and the centre of fashion, amusements, dislipation, extravagance, and folly, is not only the greatest commercial city*
in the universe, but perhaps one of the first manufacturing
towns that is known to exist.+

Under these circumstances, while the corruption of morals, licentiousness, and crimes, are known to advance in proportion to riches, it is much to be lamented that in the rapid and progressive increase of the latter, sufficient attention has not been bestowed on the means of checking the enormous strides made by the former.

This is to be attributed principally to those deficiencies and imperfections in the System of Police, which have been explained and pointed out in the Treatise which is now offered to the attention of the Reader.

It opens a wide field for doing good, to men of opulence, talents, and virtue—Patriots and Philanthropifts who love their Country, and glory in its profperity.

Such men will fpeedily discover through this medium, that like the Roman Government, when enveloped in riches and luxury, the National prosperity may be of short duration, hazarding the same calamities wherever public morals are neglected, and no effectual measures adopted for the purpose either of checking the alarming growth of depravity and crimes, or of guarding the rising generation against the evil examples which are exhibited in the metropolis, perhaps in a greater degree than was ever before experienced, particularly among the lower ranks of society.

It is therefore carneflly to be wifned, that the fubject of this Treatife may excite in the public mind an ardent defire for the adoption of fuch remedies as shall apply to the improvement of the morals of the people, as well as to all the objects of danger and infecurity, which at prefent exist, and which unquestionably must be greatly augmented at the conclusion of the war, when much additional strength will be given to the phalanx of criminal delinquents now upon the town, by the return of a multitude of their associates in iniquity.

The fole intention of the Author, in pointing out the means of preventing these accumulated wrongs, is to secure the inhabitants of the metropolis against the alarming consequences to be dreaded from the existence of such an atrocious and criminal confederacy.

That this may be the more eafily effected, in all instances where evils are represented to exist, remedies are uniformly proposed.

They are fuch as have preffed themselves upon the mind, more from practical observation, than by indulging in specuculative theories.

They are fuggested under a conviction that they perfectly accord with the spirit of the laws; and that their adoption will be practicable without disturbing, in any material degree, the system of criminal jurisprudence which at present exists.

The object is to extend to that fystem a greater portion of energy and effect, by establishing agencies, regulations and restraints, rendered the more necessary, from the great magnitude and extent of the enormities which are committed.

It is by the operation of legal and proper restraints, that the possession of all things valuable in society is secured.

It is by the general influence of good laws and regulations, that the bleffings of true liberty and the undiffurbed enjoyment of property is preferved, as far as legislative authority aided by a we'l-regulated and energetic police, can prove a fecurity against iniquity and depredation.

The restraints however, which are proposed in this Work, as the means of preventing crimes, are such as must produce this falutary effect, without abridging the privileges of innocence, since they apply to those classes only, the nature of whose dealings, from being in many instances both unlawful and immoral, occasion a pressure upon the community, immediately affecting not only the useful and innocent inhabitants of the metropolis, but in its remoter consequences, the Country at large.

If this preffure, joined to a more extensive information relative to the evils and the remedies, shall operate as a spur to men of influence, property, and consequence, to employ means for improving the police of the capital—the object of the Author will be attained.—The morals of the people will experience a savourable change, and that species of security will be extended to the inhabitants of this great metropolis which has not heretofore been experienced, while many evils will be prevented, which in their consequences, threaten to be productive of the most serious mischies to the liberty of the people, and the happiness and security of the whole Nation.

ADVERTISEMENT

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OCCUPIED in a laborious public duty which admits of little relaxation, and urged by the pressure of the moment, the Author completed the first Edition of this Work during the last Winter, at intervals within the compass of about three months.

Anxious (from a particular circumstance) to bring it forward as early as possible, he was then compelled not only to abridge his original design, but also to solicit the indulgence of the Public, from an impression that some imperfections might be discovered which he hoped might be kindly and candidly pointed out, with a view to their removal, if the Work should ever pass into a second Edition

The very general approbation manifested by the rapid demand for this Treatise, and the circumstance of the whole impression being so soon out of print, while it has gratified the Author in a particular degree, has also urged him to proceed under the same pressure of business in the completion of his original design, by presenting to the Public a new Edition, very much enlarged, and also improved

improved in every instance where imperfections have either been discovered by himself, or pointed out by others.

But while the anxiety of the Author thus to obey the calls of the Public in hastening forward the second Edition of this Work, has encouraged him to hope that the Remedies be has suggested for the many existing evils may be speedily discussed; and while he has written with a view not only of suggesting the means of relieving the metropolis from pressures of great magnitude, but also of allotting the whole emolument * to purposes connected with this immediate object,—he still looks with considence for the same indulgence which he formerly experienced, since the Work has unavoidably been again ushered into the world under disadvantages which may render it still liable to some impresections.

In treating upon a fubject in its nature so multifarious, extending to so many objects where an analogy is so obvious in the subdivisions, a repetition of the same sentiments and arguments became unavoidable: but while they tend to explain and illustrate the various shades of an important discussion, the Author indulges a hope that they will neither prove tedious nor uninteresting.

This Edition is improved and enlarged, not only by the accession of much new matter contained in three additional Chapters, but also by an extension of the Work in general,

^{*} Vide pages 453 and 454.

where various details are introduced relative to the causes of the corruption of Morals,—the extent of the River Plunder,—the evils of the Lottery,—the imperfections of the Laws relative to Crimes and Punishments,—the state of the Criminal, Municipal, and Civil Police of the Metropolis,—a general Summary of the Evils that exist, and a collected and systematic View of the whole Remedies, arranged according to the nature of the different pressures, and for the purpose of distinct and separate discussion, where, upon the whole, it is hoped the Reader will sind much new information, in its nature very curious and interesting.

Since the Publication of the first Edition, the Author bas felt great satisfaction in receiving the most unqualified approbation, communicated by several of the highest characters, as well as some of the ablest and best-informed men in the metropolis, bearing testimony to the propriety and practicability of the Remedies be bas suggested for removing the very alarming evils which have been detailed in this Treatise.

While, therefore, the miserable condition of those numerous classes of delinquents who have unhappily multiplied with the same rapidity that the great wealth of the metropolis has increased—while their errors and crimes are only exposed for the purpose of amendment—And above all, while the public mind has discovered so favourable a bias to a Work in its nature so interesting to all ranks of Society—a prospect happily opens for the adop-

tion of those Remedies which may prove the means of giving a seasonable check to Immorality and Crimes, so as in their prevention not only to protest the privileges of Innocence, but also to render punishments very seldom necessary.

To witness the completion of Legislative Arrangements operating so favourably to the immediate Advantage and Security of the Metropolis, and extending by that means the same Benefits to the Country at large, would prove to the Author of this Work a very great and genuine source of happiness.

To the Public therefore, in general, and to the Legislature in particular, does he look forward with considence for that singular gratification, which, by giving effect to his well-meant endeavours for the prevention of crimes, will most amply reward the exertions he has used in the course of a very intricate and laborious investigation, in which his only object has been the Good of his Country.

London, 25th July, 1796.

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INTRODUCTION.

NEXT to the Bleffings which a Nation derives from excellent Laws, ably administered, are those advantages which result from a well-regulated, and energetic police, conducted with purity, activity, vigilance, and discretion.

Upon this depends, in so great a degree, the comfort, the happiness, and the security of the people, that too much labour and attention cannot possibly be bestowed in rendering the system complete.

That much remains to be done in this respect no person will deny; because all ranks must bear testimony to the insecurity, both with regard to life and property, which arises from the phalanx of criminal people, who are suffered, from a variety of causes,

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(which it is the object of the Writer of these pages to explain) to continue with impunity to repeat acts of licentiousness and mischief, and to commit depredations upon the property of the public.

In vain do we boast of those liberties, which are our birth-right, if the vilest and most depraved part of the community are suffered to deprive us of the privilege of travelling upon the highways, or of approaching the capital, in any direction, after dark, without danger of being assaulted, and robbed; and perhaps wounded or murdered.

In vain also do we boast of the security which our excellent Laws afford us, if we cannot lie down to rest in our habitations without the dread of a burglary being committed, our property invaded, and our lives exposed to imminent danger before the approach of the morning.

Equally delufive is that protection which we are taught to suppose we derive from the administration of criminal justice, if crimes are found to increase; if the moral principle ceases to be a check upon a vast proportion of the lower ranks of the people; and if small thests are known to prevail in such a degree, as to affect almost all ranks of the community who have any property to lose, as often as opportunities occur, whereby pilsering in a little way can be effected without risk of detection.

If, in addition to this, the peace of fociety shall, on every specious pretence, be disturbed by the licentious clamours or turbulent essusions arising from the ill-regulated passions of vulgar life; surely it becomes an interesting enquiry, worthy the attention of every intelligent member of the community, From what source these numerous inconveniencies and pressures spring: and where a remedy is to be found for so many accumulated evils?

In developing the causes which have produced so much of that species of insecurity which it is believed prevails in no other country in so great a degree as in England, it will first be necessary to examine how far the system of criminal jurisprudence has been applicable to the prevention of crimes.

If we look back to the measures pursued by our ancestors two centuries ago, and before that period, we shall find that many wholesome laws were made with a view to prevention, and to secure the good behaviour of immoral persons, likely to commit offences. Since that æra in our history, a different system has been pursued. Few regulations have been established to restrain vice, or to render difficult the commissions of crimes, while the Statute Books have been filled with numerous Laws, in many instances doubtfully expressed, where the leading seature has generally been severe punishment, and where an uncertainty, as to the true meaning, joined to the severi-

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ty of this punishment, particularly for slight offences, lets loose upon society a phalanx of criminal individuals, who, under a better police—an improved system of legislation, and milder punishments, might, after proper correction in penitentiary houses, or in out-door labour, under proper restraints, be restored to society as useful members.

Instead of this, however, it is a melancholy truth not to be contradicted, that the major part of the hordes of criminal people who insest this metropolis, although committed by Magistrates for trial on very satisfactory proof, are again vomited back upon society in vast numbers year after year, and are encouraged to renew their former practices by the facilities they experience in escaping justice.

But this is not all:—The adroit thief often escapes, from his knowledge of the tricks and devices which are practised through the medium of disreputable practitioners of the Law, while the novice in crimes generally suffers the punishment attached to conviction. If a proof were allowed as to the means by which persons put upon their trial for offences, obtain their subsistence, so as to distinguish the old reputed thief from the novice in crimes, the minds of jurymen would be often enlightened, to the benefit of substantial justice, and a humane and proper distinction would be made, between the first dawn of depravity,

depravity, and the finished villain, in the Royal mercy extended to criminals under conviction.

The wisdom of many other countries has rendered a proof as to character, on the part of a criminal profecutor, a necessary measure to elucidate any charge affecting the interest of society; and when such proof (of being, for instance, a reputed thief) cannot be adduced, it is always presumed to be in favour of the prisoner, and pleads strongly for a mitigation of the sentence in cases of conviction; while on the other hand, the old and hardened offender seldom escapes the punishment of the law.

The feverity of the punishments also is another cause why crimes of an inferior class, with respect to enormity, press so hard upon society.

It will fearcely be credited by those whose habits of life do not permit them to enter into discussions of this fort, that by the Laws of England, there are above one hundred and fixty different offences which subject the parties who are guilty, to the punishment of death without benefit of Clergy.

In the execution of a criminal code, so fanguinary in its issue, little penetration is required, to see that it must, in the nature of things, defeat the ends which were meant to be attained, namely, The Prevention of Crimes.

It is only necessary to examine, with a little attention, the modern history of the criminal prosecutions, trials, acquittals, and pardons in this country, in order to be completely convinced that one great cause of the progressive increase of criminal people is to be traced to the circumstance of such a multitude of slighter offences being liable to the punishment of death.

Under such circumstances (to use the words of a respectable Writer) "The injured, through compassion, will often forbear to prosecute:—juries, "through compassion, will sometimes forget their coaths, and either acquit the guilty or mitigate the nature of the offence:—and judges, through compassion, will respite one half the convicts, and recommend them to Royal Mercy."

The Roman Empire never flourished so much as during the æra of the Porcian Law, which abrogated the punishment of death for all offences whatsoever. When severe punishments and an incorrect police were afterwards revived, the Empire sell.

It is not meant, however, to infinuate that this would be a proper fystem of criminal jurisprudence to be adopted in modern times.

^{*} Blackstone's Commentaties.

In the present state of society it becomes indispensibly necessary, that offences, which in their nature are highly injurious to the public, and where no ground can be established by way of prevention, should be punished by the forseiture of life: but these dreadful examples should be exhibited as seldom as possible; for while on the one hand, such punishments often defeat the ends of justice by their not being carried into execution: so on the other, by being often repeated, they lose their effect upon the minds of the people.

If it were possible to form a scale of offences with a corresponding punishment applicable to each, and ascending from the slight misdemeanor in progressive gradation to the highest crimes of forgery, arson, murder, and treason, the guilty would not so frequently escape the punishments of the law; and the numerous hordes of thieves and fraudulent people who are daily committed for slighter offences, would not, as at present, be returned upon society either by gaol deliveries or by acquittals.

This idea has been fuggested by an author of confiderable reputation, * and certainly merits attention, as well as many other suggestions which will be submitted to the consideration of the public, for the im-

* Mar, Beccaria, cap. 6.

provement

provement of the police of the metropolis, and of the country at large, in the following pages. For certain it is, that however much we glory (and we ought to glory) in the excellence of our Criminal Law, yet there is no truth more clear and obvious than this, "That this code exhibits too much the 48 appearance of a heterogeneous mass, concocted too se often on the spur of the occasion (as Lord Bacon " expresses it.)-And frequently without that degree " of accuracy, which is the refult of able and minute " discussion, or a due attention to the revision of the " existing laws, or how far their provisions bear upon " new and accumulated statutes introduced into Par-" liament, often without either confideration or know-" ledge; and without these precautions, which are al-" ways necessary, when laws are to be made which " may affect the property, the liberty, and perhaps " even the lives of thousands." *

Were the existing laws, which form our present

* Surely it is not a correct fystem of jurisprudence, to inflict the same punishment as is inflicted upon Murderers, namely, the punishment of Death, for the crime of breaking down the mound of a fish-pond, whereby the fish may escape; or cutting down a fruit tree in a garden or orchard; or to steal a handkerchief, or any trifle, privately from a person's pocket, above the value of 12d.—These are offences punishable with Death, as above-mentioned; while a number of others, of much greater enormity, are only punished with Transportation or Imprisonment.

Criminal Code (according to the suggestions of Lord Bacon, and an eminent Crown Lawyer of our own times) now to be referred to able and intelligent men, who would undertake to revise, consolidate, and adjust the whole in a manner best suited to the present state of society and manners, the investigation would unquestionably excite wonder and astonishment; and those concerned in it could not fail to lament that so many laws, inslicting severe penalties and punishments for slight offences, at present fill the Statute Book, while several crimes, highly injurious to society, are not punished at all.

Penal Laws, which are either obsolete or absurd, or which have arisen from an adherence to rules of Common Law when the reasons have ceased upon which these rules are founded; and in short, all laws which appear not to be founded on the dictates of truth and justice, the feelings of humanity and the indelible rights of mankind, should be abrogated and repealed.*

The method of inflicting punishments ought always to be proportioned to the end it is meant to ferve. That boundary should never be exceeded, and where Death does not attach to the crime, the reformation and future utility of the convict to the

state should constantly form a leading feature in our criminal jurisprudence.

By compelling persons convicted of offences to be useful and industrious, a repetition of crimes would be prevented, and instead of being injured by reiterated depredations, as is the case at present, society would enjoy not only the benefits arising from the protection of life and property; but also from productive labour, encreasing and enlarging the resources of the State through the medium of its worst members.

But the deficiency of the Criminal Code is not limited alone to an erroneous and undigested scale of penalties and punishments. On the one hand, while we have to lament the number of these punishments applicable to certain offences of a slight nature, we have equally to regret, that there exist crimes of considerable enormity, for which the law has made no provision at all.

Among the most prominent of these, may be ranked the crime of receiving Cash or Specie, Bank Notes or Bills, knowing them to be stolen.

To this very high offence, in its nature so productive of mischief in a commercial country, no punishments at all attach, inasmuch as Specie, Notes, and Bills, are not considered to be Goods and Chattels, and the law only makes it a crime to receive property fo described.

If therefore a notorious receiver of stolen goods shall be covicted of purchasing a glass bottle or a pewter pot, he is liable to be punished severely; but if he receives ten or twenty thousand pounds in Cash, Bank Notes or Bills, he escapes with impunity!*

Innumerable almost are the other instances which could be collected from Reporters of Criminal Cases, or what is called the Pleas of the Crown, shewing the desiciency of the Criminal Code, and in how many instances substantial justice is deseated, and public wrongs suffered, on account of the objections and quibbles which are constantly raised in Courts of Justice, for want of that revision of our laws and those amendments which the present state of society and commerce requires.

One of the chief nurseries of crimes is to be traced to the receivers of stolen property.

If these mischievous members of society did not exist, there would be sewer encouragements to criminal depredations upon the public.

* It is faid the same construction of the Law has been made with respect to the Offence of buying or receiving Horses, knowing them to be stolen.

Without

Without those facilities which receivers hold out, by administering immediately to the wants of criminal people, and concealing what they purloin from the public, a thief, a robber, or a burglar, could not carry on his trade.

And yet conclusive and obvious as this remark must be, it is a melancholy truth, that in the metropolis alone there are at present supposed to be upwards of Three Thousand Receivers of various kinds of stolen Goods, and an equal proportion all over the country, who keep open shop for the purpose of purchasing at an under-price—often for a mere trisle, every kind of property brought to them, from a nail, or a glass bottle, up to the most valuable article either new or old; and this without asking a single question.

It is not supposed that the property, which is purloined and pilfered, in a little way, from almost every family, and from every bouse, stable, shop, warehouse, workshop, foundery, and other repositories, in and about the metropolis, can amount to less than £710,000 a year, exclusive of what is pilfered from ships in the River Thames; which is supposed to amount, by estimates which have been made, to about half a million sterling more, including the stores and materials!— And when to this is added the pillage of His Majesty's stores, in ships of war, dock-yards, and other public repositories, repositories, the aggregate will be found, in point of extent, almost to exceed credibility!

It is a melancholy reflection to confider how many individuals, young and old, who are not of the class or description of common or even reputed thieves, are implicated in this fystem of depredation, who would probably have remained honest and industrious, had it not been for the easy and safe mode of raising money. which these numerous Receivers of stolen Goods hold out in every bye-street and lane in the metropolis; where, although a beggarly appearance of old iron, old rags, or fecond-hand cloathes, is only exhibited, the back apartments are often filled with the most valuable articles of ship-stores, copper bolts and nails brafs, and other valuable metals, West-India produce, household goods and wearing apparel, purchased from artificers, labourers in the docks, lumpers, glutmen, menial fervants, apprentices, journeymen, porters, chimney-fweepers, itinerant Jews, and others, who, thus encouraged, and thus protected, go on with impunity, and without the least dread of detection, in fupplying the numerous imaginary wants which are created in a large capital, by plundering every article not likely to be miffed, in the houses or stables of men of property, or in the shops, warehouses, founderies, workshops of manufacturers, or from new buildings, from ships in the river, and also from His Majesty's stores, and other repositories, where, in fome

fome instances, the same articles are said to be sold to the public boards three or four times over.

Thus it is that the moral principle is totally defiroyed among a vast body of the lower ranks of the people; for wherever prodigality, dissipation, or a want of economy, or gaming, whether in the Lottery or otherwise, occasions a pressure for money, they avail themselves of every opportunity to purloin public or private property, and recourse is had to all those tricks and devices, by which even children are enticed to steal before they know that it is a crime, and to raise money at the pawnbrokers, or the old iron or rag shop, to supply the wants of prosligate parents.

Hence it is, that fervants, apprentices, journeymen, and labourers, in fhort, all those classes of labouring people who have opportunities of purloining the property of their masters, their employers, or the public, are led astray by the temptations to spend money, which occur in a great metropolis, and by the facilities which are held out by these numerous Receivers of stolen Goods, by administering to their pecuniary wants, on every occasion, when they can furnish them with any article whatsoever.

The deficiency of the Criminal Code, in not extending some regulations to this numerous class of Dealers in old metal, stores, and wearing apparel, is

too obvious to require illustration, and their success in encouraging depredations, as well as the progref-five accumulation of these pests of society is proved, by their having encreased from about 300 to 3000 in the course of the last twenty years, in the metropolis alone!

The like deficiency extends also to the more latent Receivers, who do not keep open shop; but secretly support the professed robbers and burglars, by purchasing their plunder the moment it is acquired, of which class there are some who are said to be extremely opulent.

Many regulations of police, as well as falutary laws, might be usefully established, for the purpose of checking and embarrassing these criminal people, so as to render it extremely difficult, if not impracticable for them in many instances, to carry on their business without the greatest hazard of detection.

But fuch laws must not be placed upon the Statute Book as a kind of dead letter, only to be brought into action when accident leads to the detection perhaps of one out of a thousand.

If the evil is to be cured at all, it must be by such regulations as will establish an active principle, under proper superintendance, calculated to prevent every class of dealers, who are known to live partly or wholly

wholly by fraud, from pursuing those illegal practices, which nothing but a watchful police, aided by a correct system of restraints, can possibly effect.

Such restraints, while they affist the honest and fair dealer, will also protect the public, as well as merchants, and all ranks of the community, who have any property to lose, from the numerous depredations and thests which are committed, while the moral principle is, in some degree, preserved by the difficulties which will occur in the disposal of stolen property.

Nor ought it to be argued, that fuch restraints as may hereaster be proposed, will affect the liberty of the subject, since it is perfectly consistent with the spirit of our ancient laws, to restrain persons from doing evil, who are likely to commit offences, and since they can only attach to a very sew, comparatively speaking, whose criminal conduct has been the principal, if not the sole cause, of abridging the liberty, and of subjecting to risk and to danger of life and property, the great mass of the people.

Whenever any description of dealers are known to encourage or to support crimes, or criminal, or fraudulent persons, it becomes the indispensible interest of the state, that such dealers should be restrained by law from pursuing at least the mischievous part of their

their trade, and that provisions should be made for carrying the law strictly and regularly into execution.

Restraints of a much severer nature attach to all trades upon which a revenue is collected, and surely it can be no infringement of liberty, to extend a milder system to those nuisances in society who not only destroy liberty but invade property.

The present state of society and manners calls aloud for the adoption of this principle of regulation, as the only practicable means of preserving the morals of a vast body of the lower order of the people, and of preventing those numerous and increasing crimes and misdemeanors which press so hard upon society.

If once such a principle were established, under circumstances which would ensure a correct and regular execution, and if, added to this, certain other practicable arrangements should take place, (which will be discussed in their regular order in these pages,) we should soon felicitate ourselves on the immediate and obvious reduction of the number of thieves, robbers, burglars, and other criminal and fraudulent people in this metropolis, who not being able to exist, or to escape detection, without the aid, the concealment, and the other facilities afforded at present by that multitude of Receivers, which are spread all over the capital, they would be compelled to abandon their

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eriminal pursuits as unprofitable, hazardous, and destructive.

Prevention of crimes and misdemeanors is the true effence of Police;—and this is only to be attained by a system of energy joined to such wise and legislative arrangements, as shall enable the Civil Magistrates to throw every possible difficulty in the way of criminal people.

This indeed is very different from what is faid to have once prevailed in the capital, when criminal people were permitted to ripen from the first stage of depravity until they were worth forty pounds.—This is not the system which subjected the public to the intermediate depredations of every villain from his first starting, till he could be clearly convicted of a capital offence.—Neither is it the system which encouraged public houses of rendezvous for thieves, for the purpose of knowing where to apprehend them when they became ripe for the punishment of death.

It is a fystem calculated to prevent, if possible, the seeds of villainy from being sown;—or if sown, to check its growth in the bud, and never permit it to ripen at all.

It is proposed to extend this system of prevention to the Coiners, Dealers, and Utterers of base Money, as well as to every species of thest, robbery, and fraud.

The vast increase, and the extensive circulation of base Money, particularly of late years, is too obvious not to have attracted the notice of all ranks of the community, and has become an enormous evil, in the melancholy catalogue of crimes which the Police of the Country is called upon to suppress.—Its extent almost exceeds credibility: and the dexterity and ingenuity of these criminal people have (after confiderable practice) enabled them to finish the different kinds of counterfeit Money in fo mafterly a manner, that it has become extremely difficult for the common observer to distinguish the base Coin now in circulation, from the worn-out Silver of the Mint.-And fo fystematic has this nefarious traffic become, that the great dealers, who in most instances, are the employers of the Coiners, execute orders for the town and country with the fame regularity, as other manufacturers in fair branches of trade.

Scarce a waggon or coach departs from the metropolis, that does not carry boxes and parcels of base Coin to the camps, sea-ports, and manufacturing towns, insomuch, that the country is deluged with counterfeit Money.

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In London, regular markets, in various public and private houses, are held by the principal Dealers, where Hawkers, Pedlars, fraudulent Horse-Dealers, Unlicensed Lottery-Office Keepers, Gamblers at Fairs, Itinerant Jews, Irish Labourers, Servants of Toll Ga-

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therers and Hackney Coach Owners, fraudulent Publicans, Market Women, Rabbit Sellers, Fish Cryers, Barrow Women, and many who would not be suspected, are regularly supplied with counterfeit Copper and Silver, with the advantages of nearly 100 per cent. in their favour; and thus it happens, that through these various channels, immense quantities of base Money get into circulation, while an evident diminution of the Mint Coinage is apparent to every common observer.

It is impossible to reflect on the alternative to which all ranks in society are reduced, of receiving and again uttering, Money which is known to be false and counterfeit, without lamenting, that by thus familiarizing the mind to fraud and deception, the moral principle is considerably weakened, if not destroyed.

In the nature of things at present, all ranks in society must receive base Money, and being thus, cheated, the parties injured in this way, must knowingly and wilfully cheat in their turn: and it is much to be feared, that when this species of fraud becomes familiar to young minds, it may extend to other transactions of life:—The barrier once broke down in one part, the moral principle moulders in others, and infinite mischief is the result, to the very best interests of society. To permit, therefore, the existence of a Silver and Copper Coinage, such as is now in circulation, is to tolerate fraud and deception in all ranks of the community, to the ultimate loss of many individuals; for the evil must terminate at some period, and then thou-fands must suffer, with this difference, that the longer it continues, the greater will be the loss of property.

But the mischief is not confined to the counterseiting of Coin, similar to that of the Realm. The avarice and ingenuity of man is constantly finding out new sources of fraud, insomuch, that in London, and in Birmingham and its neighbourhood, Louis d'Ors, Half Johannes, French Half-Crowns and Shillings, as well as several coins of Flanders and Germany, are counterseited without any apparent suspicion that by the old obsolete act of the 14th of Elizabeth, they are guilty of misprission of High Treason.

Nor is the evil confined to the foreign Coins of Europe alone, fince a Coinage of the Star Pagoda of Arcot has been established in London for some years.

—These counterfeits being made wholly of blanched copper, tempered in such a manner as exhibit, when stamped, the cracks in the edges, which are always to be found on the real Pagoda, cost the makers only Three Half-pence each, after being double gilt.—When sinished, they are generally sold to the Jews at Five Shillings a dozen; and through this medium, introduced by a variety of channels, to India, where they

they are probably mixed with the real Pagodas of the country, and fold at their full denominated value of Eight Shillings sterling.

The Sequins of Turkey, another Gold Coin, worth about Five or Six Shillings, have in like manner been recently coined in London:—Thus it is that the national character is wounded, and the difgrace of the British name proclaimed in Asia, and even in the most distant regions of India; and it cannot be sufficiently lamented, that persons in superior stations in life, with some pretensions to honor and integrity, have suffered their avarice so far to get the better of the moral principle, as to be concerned in this abominable traffic.

Discoveries have been recently made of no less than 120 persons in the metropolis and the country, who are employed principally in coining and selling base Money; and this independent of the numerous horde of Utterers, who chiesly support themselves by passing it at its sull value.

It will scarcely be credited, that of these criminal people who have either been detected, prosecuted, or convicted, within the last seven years, there stand upon the Register of the Solicitor to the Mint, no less than 608 names!—And yet the evil increases rapidly. And when it is known, that two persons can finish from £200. to £300. in base Silver in six days,

days, and that three people, within the same period, will stamp the like amount in Copper; and when the number of known Coiners are taken into the calculation, the aggregate, in the course of a year, must be immense!

The causes of this enormous evil are, however, eafily developed.—The principal laws relative to counterfeit Coin having been made a century ago, the tricks and devices of modern times are not provided against: and when it is considered, that while the offence of dealing in base Money (which is the main spring of the evil) is only punished by a slight imprisonment; that several other offences are not punishable at all, by any existing statute; and that the detection of actual Coiners, fo as to obtain the proof necessary for conviction, required by law, is, in many instances, impracticable; it is not to be wondered, where the profit is fo immense, with so many chances of escaping punishment, that the Coinage and traffic in counterfeit Money has attracted the attention of fo many criminal people.

It is an evil, however, which may, like other enormities already explained, be-cured by wife legislative regulations, aided by proper provisions for their due execution, under a vigorous and energetic police.

Having thus stated many prominent abuses which arise from the impersections in our criminal Code, as well

well as the benefits which an improved fystem would extend to the country; it now remains to elucidate the further evils to fociety, arifing from the abuses which are practifed in carrying these laws into execution, where criminal people are charged with offences. -As the laws now fland, no energy enters into the fystem of detections, so as to give vigor and effect to that branch of police which relates to the apprehenfion of persons charged with offences, and no sooner does a Magistrate commit a hackneyed Thief or Receiver of stolen Goods, a Coiner, or Dealer in base Money, or a criminal or fraudulent person charged with any other offence punishable by law, than recourse is immediately had to some disreputable Attorney, whose mind is made up and prepared to practife every trick and device which can defeat the ends of substantial justice. Depraved persons are hired to swear an alibi; witnesses are cajoled, threatened, or bribed either to mutilate their evidence or to fpeak doubtfully on the trial, although they fpoke positively before the committing Magistrate.

If bribes and perfuafions will not do, the profecutors are either intimidated by the expence,* or fostened down by appeals to their humanity, and under

^{*} No hardship can be so great as that of subjecting the private individual, under any circumstance whatsoever, to the expence of a public prosecution, carried on in behalf of the King.—Besides, adding, almost on every occasion, to the loss of the parties, it is productive of infinite mischief, in descating the ends of Justice.

fuch circumstances, they neither employ counsel nor take the necessary steps to bring forward evidence: and the result is, that the bill is either returned ignoramus by the Grand Jury; or, if a trial takes place under all the disadvantages of a deficient evidence without a counsel for the prosecution, an advocate is heard for the prisoner, availing himself of every trisling inaccuracy which may screen his client from the punishment of the law, the hardened villain is acquitted and escapes justice; while the novice in crimes, unskilled in the deficiencies of the law, and unable, from the want of criminal connections, or that support which the professed thief receives from the Buyers of stolen Goods, to procure the aid of counsel to defend him, is often convicted!

The registers of the Old Bailey afford a melancholy proof of the evils arising from the present mode of trying criminals without a public prosecutor for the crown.—In the course of seven years, previous to the Police Establishment, no less than 4262 prisoners, who had been actually put upon their trial by the Grand Jury, were let loose upon society by acquittals.

Since that period there has been no material diminution, except what may be easily accounted for by the war; and when to this dreadful catalogue of human depravity, is to be added, the vast number of criminal people who are periodically discharged from

the different gaols by proclamation, it is not an unfair deduction, that, (including numbers of cheats, fwindlers, gamblers, and other criminal persons, who have never yet been discovered or known, for want of an active superintending principle in the conduct of the police) there are not less, at this time, than ten thousand individuals, male and semale, prowling about in this metropolis, who principally support themselves by various depredations on the public.

Nor does the evil rest here; for the convicted selons, in too many instances, find means also to return upon society without punishment, and to join that phalanx of villains, who are constantly engaged in objects of depredation and mischief.

No fooner does the punishment of the law attach to a criminal than humanity becomes his friend.

Pardons are applied for, and His Majesty's great goodness and love of mercy has been frequently abused by the tricks, devices, and frauds, too commonly resorted to by this unfortunate class of men, aided by agents equally depraved as themselves, who often have recourse to every species of falsehood and forgery, for the purpose of attaining the object in view, plundering at the same time, the friends and relatives of the prisoner of their last guinea, as the wages of villainy and misrepresentation.

By such nesarious practices, it is much to be seared, that many a hardened villain has been again let loose upon society, without any previous reference to the committing Magistrates, who may be supposed to have accurately examined into the character and connection of the prisoner; and without extending to the community those benefits which arise from important discoveries useful to public justice, which convicted selons are always capable of making, and which, in conjunction with transportation, would seem to be one indispensible condition upon which pardons should be granted to capital convicts. *

But instead of such precautions it is to be lamented, that without resecting that a common thief can seldom be restrained by military discipline, many of the worst class of these criminal and depraved individuals have received his Majesty's gracious pardon, on the simple condition of going into the army or navy, which has been ho sooner granted, than the Royal mercy has been abused, either by desertion, or by obtaining a discharge, in consequence of some real or pretended incapacity, which was previously concealed: and thus relieved in so easy a manner, of the heavy load of a capital punishment, they return again to their old practices, and the example of punishment not only ceases to operate as a prevention of crimes;

^{*} If this rule were followed, infinite advantages would refult fro it in preventing Crimes, as well as in detecting Offenders.

but becomes an encouragement, while the labour of detection, and the expence of trial and conviction are lost to the public.

But the evil arising from the periodical return upon fociety of fo many criminal and depraved people, by proclamations, acquittals, and pardons, is not all the inconvenience which the public feels from the present state of the Police of the metropolis.

In addition to this, the hulks vomit forth at stated times upon the public, a certain number of convicts, who having no asylum, no home, no character, and no means of subsistence, seem to have only the alternative of joining their companions in iniquity, and of adding strength to the criminal phalanx, by the accession of men, who, polluted and depraved by every human vice being rendered familiar to their minds in those feminaries of profligacy and wickedness from whence they have come, employ themselves constantly in planning and executing acts of violence and depredation upon the public; and fome of them, rendered desperate from an additional degree of depravity, feel no compunction in adding the crime of murder to robbery, as has been too clearly manifested by the late practice of these desperadoes.

From what has been thus stated, is it not fair to conclude, that the infecurity which the public experiences with regard to life and property, and the inefficacy

efficacy of the Police in preventing crimes, are to be attributed principally to the following causes?

- 1. The imperfections in the Criminal Code; and in many instances, its desiciency, with respect to the mode of punishment, as well as to many other regulations, provisions, and restraints, applicable to the present state of society, for the purpose of preventing crimes.
- 2. The want of an active principle, calculated to concentrate and connect the whole Police of the Metropolis and the Nation, and to reduce the general management to system and method by the interposition of a superintending agency, composed of able, intelligent, and indefatigable men, afting under the direction and control of His Majesty's Principal Secretary of State for the Home Department, on whom would devolve the subordinate care and direction of the general Police of the Metropolis, fo as to obtain, by the introduction of order and arrangement, and by efforts of labour and exertion, a complete history of the connections, and pursuits of all or most of the criminal and fraudulent persons who resort to the Metropolis, whether natives or foreigners, forming from such materials a general and complete register of every known offender, and thereby establish a clue for their detection, as often as they are charged with committing depredations on the public-with power to reward officers of justice, and all other persons, whose services are found to be useful in the discovery or detection of delinquents

of every description .- To keep a register of property Rolen, or procured by swindling, or fraudulent transactions in the Metropolis, as well as in other parts of Great Britain :- To establish a Correspondence with the Magistrates in town and country, so as to be able more effectually to watch the motions of criminal offenders, with a view to quick and immediate detection, and to those embarrassments which a vigilant and active police may place in the way of every class of offenders, so as to diminish crimes by increasing the risque of detection: under circumstances too, where a centre point would be formed, and all the general affairs of the police conducted with method and regularity: -where Magistrates would find affistance and information, and where great lines of police, fuch as the Coinage of base Money, the Lottery Offenders, and the care and disposal of convicts according to their different fentences, would be taken up, and conducted with that intelligence and benefit to the Country, arising from the attention of men of business being directed to these objects, distinct from all other affairs of state; and confined principally to the preservation of the morals of the people, and the prevention of crimes.

3. An extension of the institution of Police Magistrates to the Dock Yards, and to other great commercial and manufacturing towns where there are no Corporations or Funds for the administration of public justice.

- 4. The want of a public Profecutor for the Crown, in all criminal cases, for the purpose of preventing frauds in the administration of justice.
- 5. The want of a more correct and regular system for the purpose of obtaining the fullest and most authentic information, with a view to pardons.
- 6. The fystem of the Hulks.

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- 7. The want of an improved fystem with regard to the arrangement and disposal of convicts—destined for hard labour or for transportation.
- 8. The want of national penitentiary houses for the punishment and reformation of certain classes of convists.
- 9. The want of a more solemn mode of conducting executions, whenever such dreadful examples are necessary for the benefit of public justice.

The most prominent causes having been thus explained, from which are presumed to arise those existing and increasing evils which every good man must deplore; it now remains to offer such suggestions, as shall explain and remove them, so as to extend to the public, those blessings which shall arise from improved laws, administered with purity under such a correct and energetic system of Police, applicable to the

the present state of society, as shall be, in some degree, effectual in guarding the public against those increasing and multifarious injuries and dangers which have become such a pressure upon the community.

But as the subject involves in it a great variety of detail, of a very interesting nature, which will be nenessary to discuss under different heads, its further elucidation, and the remedies which are proposed, will be found in the following Chapters.

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C H A P. I.

A General View of the Prominent Causes of the increase of Crimes as proceeding from the Vices of the lower ranks of the People, engendered principally in Public-Houses.—Also, from the bad Education and Idleness of the lower order of the Jews.—An estimate of the extent of the Depredations arising from this evil in the Metropolis and its vicinity.—Reslections and Suggestions applicable to this branch of the subject.

N developing the causes which have so multiplied and increased those various offences and public wrongs which are at present selt to press so hard upon society, it may be truly affirmed in the first instance, much is to be imputed to desicient and inapplicable Laws, and to an ill-regulated Police.

C

Crimes

Crimes of every description have their origin in the vicious and immoral habits of the people;—in the want of attention to the education of the inferior orders of society;—and in the desiciency of the system which has been established for guarding the morals of this useful class of the community.

Innumerable temptations occur in a great capital where crimes are reforted to, in order to supply imaginary wants and improper gratifications, which are not known in lesser societies: and against which the laws have provided few applicable remedies in the way of prevention.

The improvident, and even the luxurious mode of living which prevails too generally among various claffes of the lower ranks of the people in the metropolis, leads to much mifery and to many crimes.

Accustomed from their earliest infancy to indulge themselves in eating many articles of expensive food in its season,* and possessing little or no knowledge of that kind of frugality and care which enables well-regulated families to make every thing go as far as possible, by a diversified mode of cookery and good

^{*} The chief confumption of oysters, crabs, lobsters, pickled falmon, &c. when first in season, and when prices are high, is by the lowest classes of the people.—The middle ranks, and those immediately under them, abstain generally from such indulgencies until the prices are moderate.

management: - Affailed also by the numerous temptations held out by fraudulent Lotteries, and places of public refort and amusement; and above all, by the habit of spending a great deal of valuable time as well as money unneceffarily in public-houses; and often allured by low gaming, fquander more than they can afford, there is scarce an instance of accommodating the income to the expenditure, even in the best of times, with a confiderable body of the lowest and more depraved orders of the people inhabiting the capital: and hence a melancholy conclusion is drawn, warranted by an estimate generally assumed to be correct, that, including gamblers, fwindlers, and every class of criminal and depraved persons, "above "twenty thousand individuals rife every morning in " this great metropolis, without knowing how, or by " what means they are to be supported through the " passing day, and in many instances even where they " are to lodge on the fucceeding night."

Poverty is no where to be found cloathed in fo great a degree with the garb and emblems of the extremest misery and wretchedness, as in London.

Develope the history of any given number of these miserable sellow-mortals, and their distresses will be found, almost in every instance, to have been occasioned by extravagance, idleness, prosligacy, and crimes:—and that their chief support is by gambling, cheating, and thieving in a little way.

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Allured

Allured and deceived by the facilities which the pawnbrokers and the old-iron shops hold out, in enabling the labouring people, when they marry, and first enter upon life in the metropolis, to raife money upon whatever can be offered as a pledge or for fale; the first step with too many is generally to dispose of wearing-apparel and houshold goods, which is frequently done upon the least pressure, rather than forego the usual gratification of a good dinner or a hot supper.—Embarassments are speedily the consequence of this line of conduct, which is often followed up by idleness and inactivity. The alehouse is resorted to as a desperate remedy, where the lazy and dissolute will always find affociates, who being unwilling to labour, refort to crimes for the purpose of supplying an unnecessary extravagance.

It is truly melancholy to reflect upon the abject condition of the numerous class of profligate parents, who with their children, are constantly to be found in the tap-rooms of public-houses, spending in two days, as much of their earnings as would support them a week comfortably in their own dwellings; destroying their health; wasting their time; and rearing up their children to be prostitutes and thieves before they know that it is a crime.

In the city of London, and within the Bills of Mortality, there are at prefent 5204 licensed Public-Houses, Houses,* and it is calculated that the beer and spirits which are consumed in these receptacles of idleness and profligacy by the labouring people only, is little short of three millions sterling a year! *

A moment's reflection will shew how much these unfortunate habits tend to destroy the moral principle, and to engender crimes.

The fact is, that a large proportion of those earnings which would enable a family to be comfortable at home, to educate children, and to rear them up with a proper regard to their health and morals, so as to render them useful, instead of mischievous members of the community, is, from invincible and growing habit, squandered in public houses.

The period is not too remote to be recollected, when it was thought a difgrace for a woman (excepting on holiday occasions) to be seen in the tap-room of a public-house: but of late years the obloquy has lost its effect, since it is to be lamented, that the pub-

* In London —		825	
In Westminster -		997	
In that part of Middlefex w within the bills of mor In Southwark, and that part	tality —	2439	
which lies within the bill	of mortality	- 943	
* Vide page 40.	Tota	al 5204	Public Houses,

lic tap-rooms of many alchouses are filled with men, women, and children, on all occasions, where the wages of labour is too often exchanged for indulgencies ruinous to health, and for lessons of prosligacy and vice, totally destructive of the morals of the adults as well as of the rising generation.

In tracing the causes of the increase of public depredation by means of robberies, pilferings, and frauds, much must be attributed to ill-regulated public-houses.

Instead of entrusting licences only to men of sober manners and of good moral character, a little enquiry will shew that a considerable proportion of the present Ale-House Keepers in the metropolis are men of no respectability; disposed to promote drunkenness, low games, and every species of vice and immorality that can be the means of increasing their trade; while not a few of them are connected with highwaymen, common thieves, and coiners, venders and utterers of base money.

An ill-regulated public-house is one of the greatest nuisances which can exist in civil society.—Through this medium, crimes are increased in an eminent degree.—Its poison spreads far and wide.—It may be truly said to be a seminary for rearing up rogues and vagabonds.

It is in fuch houses that thieves and fraudulent perfons find an asylum, and consult how and where they are to commit depredations on the public.—It is here that apprentices, and boys and girls of tender years are to be found engaged in scenes of lewdness and debauchery;—and in fine, it is in such places where almost every vice which disturbs or interrupts the peace and good order of society, has its origin.*

The proper regulation, therefore, of those haunts of idleness and vice becomes the ground work of the system, and deserves infinite attention in the proper selection of persons sit to be entrusted with licences;—for on this depends the preservation of the morals of the people, in a greater degree than any one measure proposed in the course of this Work.

The chief fource of this evil arises from the number of immoral, profligate, and criminal characters, who procure such situations, and who grossly abuse the trust reposed in them;—and the cause is to be traced to the number of supersluous houses which have been inadvertently licensed.

It has been lately discovered, that clubs of apprentice boys are harboured in public-houses, for the purpose of supporting their brethren who run away from their masters, and of indulging themselves early in the scenes of lewdness and drunkenness, which they generally do by pilsering their master's property, and disposing of it at the old-iron shops.—In this situation, from being an apprentice to a lawful trade, they in general become the apprentices of thieves, who refort to such houses to find boys sit for their purpose.

Of these there are seldom less than one thousand who change masters every year in the metropolis alone, and many of them three or four times over.

The refult is, that while fo many public houses are constantly at market, worthless and profligate characters get into such situations, and it will ever be the case, while no limits are set to the number in each district, and while the present mockery of security is in practice, by permitting one publican to be bound for another in the small penalty of ten pounds, for the performance of duties, the most important and sacred which are known to exist in civil society, since a breach of them saps the soundation of all morals.*

Of

In a Tract, entitled, Observations and Facts relative to Public Honses, printed by J. Downes, No. 240, Strand, 1794.—The evils arising from ill-regulated Public Houses are explained at considerable length, and several remedies proposed.—In this publication the consumption of Ale and Porter annually in the metropolis and its environs, is stated to be 1.132,147 barrels = to 36,625,145 gallons, making 158,400,580 pots at $3\frac{1}{2}$ d.

£2,311,466 15 10

And by another calculation, the average confumption of Gin and Compounds in Public Houses, previous to the stoppage of the distillery, was about 3,000,000 of gallons

975,000 0 0

£3,286,466 15 10

If a conclusion may be drawn from the apparent greater degree of fobriety, which is manifested at present by the labouring people Of how much importance therefore is it for Magiftrates to establish correct systems for watching over the conduct of publicans and for regulating public-houses?

—Every thing that tends to the prevention of crimes;

—to the comfort and happiness of the labouring people; and to the essential interest of the state in what regards the morals and the health of the lower ranks of the community, in checking the prevailing propensity to drunkenness, gaming, and idleness, depends, in a great measure, on the vigilance and attention of the Civil Magistrates, whose powers to do good in this respect are extremely ample, and only require to be exerted with attention, mildness, and prudence, joined to firmness and good judgment *

The

ple, and evinced by the number of quarrels and affaults being very confiderably diminished, and the pressure, with respect to the means of living, apparently less than in the spring of 1795, notwithstanding no charities have been distributed, and bread is considerably higher:-It would feem reasonable to attribute this favourable change to the high price of Gin, which being in a great measure inaccessible, the lower ranks have it now in their power to apply the money formerly fpent in this way in the purchase of provifions—perhaps to the extent of fome hundred thousand pounds a year in the metropolis alone! If this fact is affumed, it is impoffible to reflect without great fatisfaction on the actual gain which refults to the Nation from the preservation of the healths of persons whose lives are shortened by the immoderate use of ardent spirits. -In the labour of adults, the benefit to the Nation is at least one hundred fold in length of life, and productive industry, wherever fobriety pervades the mass of the people.

^{*} The following propositions are suggested as likely to aid the Magistrates

The foundation of all good Police rests upon those wise regulations which the Clergy and the Magistrates shall carry into execution for the preservation of morals, and the prevention of crimes.

It is earnestly to be hoped, that those who have the charge of parishes will lend their aid in a greater degree, by a more immediate attention to the condition of the poor, by regularly visiting their abodes, and by proper religious instructions in their families: for certain it is, that if the prevailing and increasing immorality and profligacy among the lower orders of

Magistrates considerably in their exertions, to reform the Public-Houses in case they shall obtain the function of the Legislature.

- 1. That the number of Public-Houses assigned to each licensing division shall be limited by law, and no new houses shall be licensed unless there shall be an increase of inhabitants, (by means of an accession of buildings or manufactories in the neighbourhood,) equal to 150 individuals, including those employed in public works.
- 2. That no person shall be licensed until he can produce a responsible housekeeper, who is not a publican, who will enter into recognizance along with him, for his good behaviour, in the sum of sifty pounds,* which shall be forseited if he permits gaming, drunkenness, or any other irregularities, which shall be specified in the recognizance, the form and obligations of which might be modernized, altered and amended to the great benefit of the public.
- * At prefent the legal recognizance is only for 10%.—It has continued for 233 years, fince the reign of Edward VI. when the fum then fixed on, according to the decrease of the value of money was much more than the 50% now proposed, is at the present time.

the people are not checked, very ferious consequences are to be dreaded.*

It is also to be wished, that the leading and respectable characters of the Jewish persuasion may adopt some means of employing in useful and productive labour the numerous young persons of their society, who are at present rearing up in idleness, profligacy, and crimes.

If the superstitious observance of institutions, with regard to meat not killed by Jews,, and to the Jewish sabbath, shall exclude young persons of this persuasion from being bound to useful employments and mixing with the mass of the people, by becoming fervants and apprentices; surely it is incumbent on the heads of the society to take care that they shall not become public nuisances.

It is to be lamented that this is too much the cafe at present, and that the system which unhappily prevails in the education and habits of this numerous class of people is hostile to every thing tending to the interest of the state, or the preservation of morals.

^{*} The total ignorance of moral and religious duties among the lower ranks of people in the metropolis is manifested in a very striking degree, from the vast numbers who cohabit together without marriage, from which connections a numerous progeny arises, reared up (where want of care and disease does not shorten their days) under the example of parents whose conduct exhibits nothing but the vilest profligacy.

The increase therefore of the lower order of the Jews, reared under the influence of such evil examples, and bred to no profession that can render their labour useful to the country, constitutes one of the chief sources of depravity which prevails in the metropolis, and also one great cause of the increase of petty crimes.

For the purpose of elucidating, in some degree, the vast extent of the profligacy and wickedness, which prevails in the capital, and the effects it produces in the perpetration of crimes of every species and denomination, the following estimate has been made up from information derived from a variety of different channels.—It exhibits, in one view, the supposed aggregate of the various depredations committed upon the public in the metropolis and its envitors, in the course of a year.

The intelligent reader will perceive at once, that in the nature of things it cannot be perfectly accurate; because there are no precise data upon which an estimate can be formed: but if it approaches in any degree near the truth, (which the Author sirmly believes) it will fully answer the purpose of elucidating a great and prominent seature in the Police of the metropolis, from which many useful and important conclusions may be drawn, savourable to those improvements which are selt to be necessary, by all ranks of the community, but hitherto understood by very sew.

An Estimate of the Annual Amount of the Depredation, committed on Public and Private Property in the Metropolis and its Vicinity, IN ONE YEAR. Specifying the Nature of Such Depredations under fix different Heads.

1. Small Thefts, committed in a little way by menial Servants, Chimney-Sweepers, Duftmen, Porters, Apprentices, Journeymen, Stable Boys, Itinerant Jews, and others, from dwelling-houses, stables, out-houses, warehouses, shops, founderies, workshops, new buildings, public-houses, and in short, every other place where property is deposited, specifically estimated and subdivided as follows:

Tollows :	~	
	Tons	£
Articles of new and old iron and steel	5000	100,000
Idem of new and old brafs	1500	150,000
Idem of new and old copper	1000	120,000
Idem of new and old lead	2500	50,000
Idem of new and old pewter, folder, and tin	300	35,000
Idem of pewter pots, stolen from 5204 publi-		
cans	500	*55,000
Idem in small articles of plate, china, glass-ware		
fadlery, harnefs, and other portable article		
of house and table furniture, books, tea, su		
gar, foap, caudles, and liquors, &c. &c. &c	,	
		100,000
Idem, piece-goods from shops and warehouses, b	У	
fervants, porters, &c	-	50,000
Idem, wearing apparel, bed and table linen, &	c	40,000
Idem, filk, cotton, and worsted yarn, embezzle	d	
by Winders and others in Spitalfields, &c		
formerly £20,000. a year, now supposed to b		
20,000 a year, now rappored to b	- 11	10,000
	7	
* The publicans in their petition to the House		710,000
Commons (1796) estimate their loss to be £100,00		2. Thefts



2. Thefts upon the River and Quays, commi	tted in
a little way on board of ships in the	
Thames, when discharging their cargo	
alfo upon the Wharfs, Quays, and War	
when the fame are landing, weighing, an	
ing, by glutmen, lumpers, jobbers, lal	
porters, lightermen, boys called mud-lar	
others employed, or lurking about for p	
Articles in raw fugar, rum, coffee, chocola	
mento, ginger, cotton, dye-woods, and	l every
other article of West-India produce	150,000
Idem, in East-India goods, and merchandi	
Africa, the Mediterranean, America	ca, the
Baltic, the Continent of Europe, of	coasting
trade, &c. &c	250,000
Idem, in ship stores and tackling, including	
age, fails, tar, pitch, tallow, provision	
taken from above 10,000 different ve	ffels 100,000
	£500,000
- 77 6 - 1 5 - 1	
3. Thefts and Frauds committed in His M.	*
dock-yards, and other public repositorie	
ated on the River Thames, including the	
der, pillage, and frauds, by which publ perty (exclusive of metals) is embezzled	
faid stores, and from ships of war, exclu	
the frauds, plunder and pillage, in the	
yards, and from ships of war at Chatham,	
mouth, Plymouth, &c. which is enormous	
times, but especially in time of war,	
public property is unavoidably most ex	
equal at least to £700,000. a year more	
in all, one million sterling at least	£300,000
4. Depredations committed by means of burg	
highway-robberies, and other more atr	
thefts, viz.	
	1. Burglaries

1. Burglaries by housebreakers in plate, and	
other articles fupposed	100,000
2. Highway robberies in money, watches,	arm to The S
bank notes, &c idem	75,000
3. Private stealing and picking of pockets, &c. idem	25,000
4. Stealing cattle, sheep, poultry, corn, pro-	Direct Art
vender, potatoes, &c. &c idem	20,000
Support of the support of the best best best	20 20 20 20 20 20 20 20 20 20 20 20 20 2
	£220,000
5. Frauds upon the public annually by the coinage and fabrication of base Money, counterfeited of the similitude of the current gold, filver and copper coin of the Realm supposed	£200,000
6. Frauds upon the public by counterfeiting public fecurities, powers of attorney, bonds, bills and notes, by fwindling, cheating and obtaining money and goods by false pretences, &c. &c. &c. supposed	
REGAPITULATION.	
I. Small Thefts — —	£,710,000
2. Thefts upon the Rivers and Quays —	500,000
3. Thefts in the Dock-Yards, &c. on the Thames	300,000
4. Burglaries, Highway-Robberies, &c. —	220,000
5. Coining base Money — —	200,000
6. Forging Bills, Swindling, &c	170,000
Total Estimate* L	2,100,000
	This

This estimate will, no doubt, assonish the Reader, at first view; and may even go very far to stagger his belief; but when the vast extent of trade and commerce is considered, and that in the exports and imports of the capital alone, there is an annual movement of above fixty millions of property laded and unladed in the Thames, (as will be more fully shewn in the third Chapter) independent of the vast amount of stationary or fixed property of a portable nature, as well as moving effects in this great metropolis, which last cannot amount to less than perhaps the annual sum of sixty millions more—

This estimate (imperfect and uncertain as it may be) has been formed under an impression grounded on a long and laborious investigation, aided by the perusal of many documents, and by a variety of calculations, that upon the whole, it is under the real loss sustained annually by the machinations of criminal people.

It exhibits a melancholy picture of the general depravity which prevails, and which is heightened in a confiderable degree by the reflection, that among the phalanx who compose the miserable catalogue, are to be numbered persons, who from their rank and situation in life would scarce be suspected of either committing or conniving at the commission of frauds, so as to enrich themselves at the expence of the nation.

Avarice is ever an eager, though not always a clearfighted passion: and when gratified at the expence of violating the soundest principles of morality and justice, a sting must remain behind, which no affluence,—no pecuniary gratification can afterwards take away.

In contemplating these strong seatures, marking in so great a degree the depravity of the human character,—it will cease to be a matter of surprise, under such an incorrect system of police and such desicient laws, that the depredations are estimated so high. It would have equally attracted attention with a view to improvements in the police, and of course answer the Author's purpose full as well to have reduced the estimate to one half the present sum: but being solicitous to approach as near the truth as possible, he considered himself bound to present it to the public in its present form.

ter, it cannot escape the intelligent reader, how small a proportion of the annual depredations upon public and private property is to be placed to the account of that class of people who alone attract notice from the force and violence they use, namely, common thieves and pick-pockets, and highway and footpad robbers.—But for this estimate, it could not have been believed that the depredations of these criminal people, to whose charge the whole pressure felt by the public has been laid, forms so small a proportion of the property annually plundered, stolen, embezzled, or acquired in a thousand different ways, by means unlawful, unjust, and immoral, in this great metropolis.

CHAP.

CHAP. II.

The causes and progress of small Thests explained, and shewn to arise from the numerous Receivers of stolen Goods, under the denomination of Dealers in Rags, Old Iron, and other Metals.—The vast increase of these Dealers of late years.—Their evil tendency, and the absolute necessity of Regulations to prevent the enormous Mischiefs arising from the Encouragements they hold out to persons of every age and description, to become Thieves, by the purchase of whatever is offered for sale.—A remedy suggested.

In the preceding Chapter the small thests committed by persons not known to belong to the fraternity of Thieves, are estimated to amount to the enormous sum of £710,000. a year!

This discovery (except what relates to embezzled filk, cotton, and worsted) was originally made through the medium of a considerable dealer in Rags and Old Iron, and other Metals, who communicated to the Author a vast deal of interesting information, confirmed afterwards through other channels, the substance of which is hereaster detailed: namely,

1. That there exists in this metropolis, (and also in all the towns where his Majesty's dock-yards are established) a class

class of Dealers, of late years become extremely numerous, who keep open shops for the purchase of Rags, Old Iron, and other Metals.

- 2. That these Dealers are universally, or almost without a fingle exception, the Receivers of stolen goods of every denomination, from a nail, a skewer, a key, or a glass bottle, up to the most valuable article of portable houshold goods, merchandize, plate, or jewels, &c. &c.
- 3. That they are divided into two classes:—Wholefale and Retail Dealers. That the retail Dealers are generally (with some exceptions) the purchasers in the first instance, from the pilserers or their agents, and as soon as they collect a sufficient quantity of iron, copper, brass, lead, tin, pewter, or other metals, worthy the notice of a large Dealer, they dispose of the same for ready money, by which they are enabled again to continue the trade.
- 4. That the increase of these old iron, rag, and store shops has been assonishing within the last twenty years:—from about three or four hundred, they have multiplied in this short period to upwards of three thousand, in the metropolis alone!
- 5. That although these shops (which are now to be seen in every bye-street and lane of the capital) exhibit only a beggarly appearance of old iron to public view, it frequently happens that they have large premises behind, where many rich articles of merchandize, but more particularly second-hand metals, composed of various houshold and ship's articles, most of which have been pilsered in a little way, are to be found, and which have been purchased by these dealers, often by false weights, and always under circumstances where they make an immense profit.

- 6. That the facilities which these old iron shops afford to menial servants in private families, to apprentices, journeymen, labourers in the founderies, warehouses and workshops, of manufacturers, artisans, and tradesmen of every description, by receiving and paying down money for every article that is brought them without asking a single question, has been the means of debauching the morals of a vast body of the lower orders of the people, young and old, and of carrying the system of pilsering in a little way, to an extent which almost exceeds credibility.
- 7. That as the least trifle is received, the vigilance of the parties from whom the articles are stolen is generally eluded, by the prevailing practice of taking only a small quantity of any one article at a time.
- 8. That the articles thus received are generally purchased at about one-third the real value, and seldom above a half; —glass bottles in particular, are bought at one penny each, and no questions asked:—they are afterwards sold to dealers in this particular branch, who affort and wash them, and again re-fell to inferior wine dealers at nearly the full value:—this has become, of late, an extensive line of trade.
- g. That other facilities are afforded by the dealers in old iron, in the collection of metals, rags, and other articles purloined and stolen in the country, and conveyed to town by means of fingle-horse carts, which are kept by itinerant Jews, and other doubtful characters, who travel to Portsmouth, Chatham, Woolwich, Deptford, and places in the vicinity of London, for the purpose of purchasing metals from persons who are in the habit of embezzling the King's stores, or from dealers on the spot, who are the first receivers, from whom copper bolts, nails, spikes, iron, brass,

lead, pewter, and other ship articles of considerable value are procured.—These single-horse carts have increased greatly of late years, and have become a very profitable line of business to the proprietors.

- netals, keep men employed in knocking the broad Arrow, or King's mark, out of the copper bolts, nails, and bar iron, whereon it is impressed, and also in cutting such bar iron into portable lengths, after which it is fold to the great dealers, who in this way are in some instances supposed to fell the same article to the public Boards two or three times over.
- both to the retail and wholefale dealers, many of whom are become extremely opulent, and carry on business to the extent of from ten to thirty, and in some sew instances, fifty thousand a year in old metals alone.

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- 12. That the quantity of new nails taken from the public repositories, and from private workshops, and disposed of at the old iron shops is said to exceed credibility.
- 13. And finally, that the retail dealers in old iron, with fome exceptions, are the principal purchasers of the pewter pots stolen from the publicans, which they instantly melt down (if not previously done) to clude detection.

Thus it is that the lower ranks of fociety are affailed on all hands, and in a manner allured to be difhonest, by the ready means of disposing of stolen property, and by the temptations which the amusements and dissipations of a great capital, and the delusion of

the Lottery hold out, creating a defire to possels money often to gratify imaginary, and too frequently, criminal wants.

These facilities, joined to the profligate education, and bad habits, which prevail among the vulgar, are the chief causes of the petty thests which constitute the vast aggregate of £710,000. a year, already stated in the first article of the estimate; and it is surely a consideration of great importance as a matter of state policy, by what means such an enormous evil is to be prevented?

Its rapid growth within the last twenty years, and the effect it has upon the morals of a vast number of menial servants and others in this great metropolis, who must in the nature of things have a certain trust committed to them, is a strong reason why some effectual remedy should be administered as speedily as possible, to prevent such temptations from being held out.

It would feem, under all circumstances, that the regulation of these iron shops by licence, and by other restrictions connected with the public security, has become an object of immediate necessity, for it is a dreadful thing to reslect that there should exist and grow up in so short a period of time such a horde of criminal dealers, who are permitted to range ad libitum, exercising all the mischievous part of the functions

functions of pawnbrokers, and enjoying equal benefits, without any of the restrictions which the public interest has made it necessary to extend to this last class of dealers, who also require further regulations, which will be hereafter discussed.

But besides the dealers in old iron, it will be necesfary to extend the regulation to dealers in second-hand wearing apparel, whether stationary or itinerant; for through this medium also, a vast deal of bed and table linen, sheets, wearing apparel, and other articles, pilfered in private families, are disposed of, and money obtained, without asking questions, with the same facility as at the iron shops.

To prevent metals from being melted by receivers of stolen goods, and other persons keeping crucibles and smelting vessels, by which means the most infamous frauds are committed, in eluding justice, by immediately melting plate, pewter pots, and every kind of metal that can be identified; it may be also necessary to regulate, by licence, all founders of metal, and also the horse and truck carts used for the purpose of conveying old metals from place to place; so as, upon the whole, to establish a mild, but complete system of prevention, by limiting the dealers in old metals and second-hand wearing apparel, to the honest and fair part of their trade, and by restraining them with regard to that which is fraudulent and mischievous.

At present these respective dealers may truly be faid to be complete pests of society.—They are not, like pawnbrokers, restrained as to the hours of receiving or delivering goods.—Their dealings are often in the night time, by which means they enjoy every opportunity of encouraging fraud and dishonesty.

It is impossible to contemplate the consequences arising from the seduction of so many individuals, young and old, who must be implicated in the crimes which these abominable receptacles encourage, without wishing to see so complicated and growing a mischief engage the immediate attention of the Legislature, that a remedy may be applied as early as possible.*

^{*} This remedy, as it respects Receivers of stolen Goods, is specifically explained at the close of the Eighth Chapter, which relates entirely to that subject, and to which the Reader is particularly referred.

CHAP. III.

The Subject pursued.—The vast extent and enormous value of floating property laden and unladen in the Port of London in the course of a year.—The means used in perpetrating Small Thests, and making depredations upon the River Thames.—The systematic Facilities which are afforded by Receivers of stolen Goods of various denominations, in connection with the plunderers on the River.—The additional Facilities arising from the present mode of discharging vessels into lighters—A Remedy proposed.

HE immense plunder and pillage of merchandize and naval stores upon the River Thames has long been selt as a grievance of great magnitude, pressing exceedingly upon the Commerce of the Country, and deeply affecting the interest of the West-India-Planters, as well as every description of merchants and ship-owners, trading to or from the port of London.

The subject of this Chapter will therefore be confined to a detail of the means by which these robberies are perpetrated, and to the remedies which appear to be best adapted to the cure of such an enormous and growing evil; for certain it is that the increase has been regular and progressive, and that the easy manner in which property of this fort is obtained

obtained and disposed of, occasions an accession of plunderers every year.

The prevailing practice of discharging and delivering the cargoes of ships by a class of aquatic labourers, known by the name of *lumpers* and *scuffle bunters*, is one principal cause of the evil so severely felt, but it is not the only cause.

A confiderable proportion of these labourers * have formed connections with various purchasers or receivers of whatever is stolen or pilsered, as well as with other affociates, by which they acquire considerable sacility and affistance in carrying on and in concealing a system of the most shameful depredation, in which, from practice and experience, they become adepts; and sanctioned as they are by habit and custom; and by being too often screened from detection and punishment, by those whose immediate duty it is to watch over their nesarious practices, they consider it as a kind of right which attaches to their situation, to plunder wherever an opportunity offers.

To those whose habits of life do not lead them into investigations of this kind, the detail which is now to be given, will appear either incredible or

^{*} It is not here meant to criminate the whole of the lumpers.

—It is fincerely to be hoped, that the chief part of the Masters of the gangs may be pure, and perhaps a proportion of those they employ.

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greatly exaggerated: but whoever confiders for a moment the aftonishing extent and magnitude of the trade of the metropolis, and the multitude of vessels laded and discharged in the River Thames, in the course of a year, will find upon due inquiry that £ 500.000, stated in the second article of the estimate as the amount of the annual plunder, including merchandize, ships' stores, tackling, and provisions, is by no means over rated.

In pursuing this investigation by an attentive consideration of the specific detail of the shipping, navigation and commerce of the River Thames; the mind is loft in wonder at the unparalleled increase of the wealth and opulence of the capital: and while we have just cause to deplore those enormities which are experienced, it is matter of confiderable confolation that the rapid increase of the floating and moving property upon the River, (which has trebled within the last forty years,) renders it much easier to account for the melancholy estimate inferted in the first Chapter, than could have been supposed at first view, and more especially when it is confidered, that upon a moving property, the value of which is little short of seventy millions a year, greatly exposed from the want of proper conveniences for shipping and discharging goods, the average extent of the plunder does not much exceed three quarters per cent. upon the general aggregate; as the following very wonderful estimate of the vast and rapid height to which the commerce of the metropolis has rifen, will fhew.

This Abstract of the Imports into, and the Exports from the Port of London, is made up from the public accounts for one year, ending the 5th day of January, 1795, but differing, with regard to the value, which, in these accounts, is estimated on a data established many years ago, when the articles of commerce imported and exported were not rated at above half the sum they now setch, exclusive of duty.

It is therefore to be underflood that the following estimate is made upon the data of the present value as nearly as it can be ascertained. It exhibits a very wonderful picture of the immense opulence and extent of the commerce of the Metropolis, and accounts in a very satisfactory manner for the vast resources of the Country, which have been manifested in so eminent a degree, in the course of the present and former wars.

Names of the	Value of Imports	Value of Exports from the Port of London to Foreign Parts.		
Countries.	into London.	Brit, Manufactures.	For. Merchandize.	
Ireland British West Indies Conquered Islands Brit. American Colonies Guernsey and Jersey Gibraltar Honduras Bay South Fishery Asia, including E.Indies Africa Turkey Streights Venice Italy Spain Portugal Madeira Canaries France Austrian Flanders Holland Germany Prussia Poland Sweden Russia Denmark & Norway Greenland United States of Amer. Florida Foreigh West Indies Prize Goods	2.209.501 3 4 6.072.117 5 0 1.226.064 13 8 307.412 13 0 91.936 1 2 12.947 16 8 14.696 4 2 197.680 8 6 8.916.950 2 10 66.013 8 4 641.860 19 2 8.3.89 14 0 82 7 16 0 1.215.012 15 0 1.070.697 18 0 644.610 3 8 7.479 10 8 6.763 19 10 130 6 8 137.249 5 0 1.205.315 3 6 1.089.307 19 4 196.657 3 2 104.978 10 4 196.657 3 2 104.978 10 4 196.657 3 11 2.62.727 3 4 1.69.688 0 1.66.366 1 0 2.67.53 11 2 811.511 18 8 16.239 16 0 56.240 2 0 1.572.868 8 8	168,687 18 3 2,249,043 13 11 260,976 0 11 654,842 19 4 12,001 13 10 83,473 14 11 2,029 18 11 2,029 18 11 2,029 18 11 2,039 6 1 4 90,593 12 9 32,065 12 0 6,203 17 11 80,980 18 9 205,096 4 4 182,780 6 2 27,998 6 10 20,116 18 4 3,216 5 3 129,413 9 7 114,458 3 7 1,044,624 18 0 54,380 14 0 7,022 11 10 33,845 5 6 95,519 8 8 147,340 5 11 2,512,280 12 1 38,067 0 3 1,767 13 10	914.352 4 4 579.453 6 0 110.817 18 251.551 6 2 21.016 16 8 69.315 2 8 2.550 16 2 185.190 16 0 188.743 16 6 123.776 7 2 16.305 7 2 340.786 0 8 265.169 3 4 119.813 12 6 0.886 18 2 377 5 2 63.625 16 6 887.642 18 10 1.968.687 3 4 6.176.100 14 8 272.719 17 4 57-067 2 4 111.457 14 4 91.244 9 2 545.509 19 8 429.248 7 8 8.855 0 0 included in the ac. of each country.	
Greenland United States of Amer. Florida Foreign West Indies	26.753 II 2 811.511 18 8 16.239 16 56.240 2 0 1.572.8(8 8 8	2.251.280 12 38.067 0 1.767 13 1	1 3	

RECAPITULATION.

The aggregate Value of Goods imported into London In one ye Idem Value of British Merchandize exported - £11,396,539	ar -	£29.706.476 1	7	4
Idem Value of Foreign Merchandize, ditto - £ 14.208.915				
idem Value of Goods imported in upwards		£ 25.605.455	8	2
of 9000 Coasting Vessels, averaged at £ 500 each £ 4.500.000 Idem Value of Goods exported coastways in	0 0			
about 7000 veffels, at £ 1000 cach £ 7.000.000	0 :	£ 11.500.000	0	0

The cargoes of the West-India ships are the principal objects of attention with the lumpers and their associates, who are supposed upon an average to plunder from each ship to the extent of ten hundred weight of sugar a day, during the period of the discharge; and it is estimated by an intelligent writer, that upon West-India produce imported (communibus annis) the merchants, ship-owners, and Planters at present lose £150,000. and the Revenue £50,000. by pillage and plunder alone. The present average importation of sugar only amounts to no less than one hundred thousand hogsheads a year!

These aquatic labourers are for the most part in connection with the journeymen Coopers and Watermen, who are also supposed to share in the plunder. -They generally go on shore three times a day, and being in a body together, it is difficult, and fometimes not very fafe for a Trinity or Police Officer to attempt to fearch or to fecure even one of them .- By the contrivance of a thin fack fuspended by strings from the shoulders, and placed under the waistcoat, a furprifing quantity of fugar is carried away, which to the fuperficial observer exhibits only the appearance of the natural protuberance of the belly. - Others who are not provided with fuch facks, fill their hats, pockets, and even their breeches with large quantities of raw fugars, a truth which has been often afcertained by officers of justice who have apprehended them (so leaded), under the authority of the Bum-boat Act.

The fraudulent part of these lumpers having from long practice established a prompt and systematic plan of sale, proceed immediately with their plunder to those who they know will purchase without asking questions.—Namely, little grocers, publicans, and dealers in old iron, and what is called hand stuff and old stores, the latter class being inhabitants of the streets bordering on the river, where they are extremely numerous and increasing every day, and being on the same sooting with iron shops, are likewise proper objects for similar regulations. *

Besides the depredations which these aquatic plunderers make upon the property of their employers, in the manner already described, they practise another device, by connecting themselves with men and boys, known by the name of mud-larks, who prowl about, and watch under the discharging ships when the tide will permit, and to whom they throw small parcels of sugar, cossee, and other articles of plunder, which are conveyed to the receivers by these mud-larks, who generally have a certain share of the booty.

Besides these affociates in villainy, scullers and other boats are, in like manner, constantly hovering about and under the discharging ships, upon pretence of carrying passengers and baggage, into which handkerchiess of sugar and cossee, bladders of rum, kegs of tamarinds and even bags of cotton, sacks of wheat or slour, and in short every portable article that can be safely plun-

^{*} Vide Chapter VIII. for a detail of these proposed Regulations. dered.

dered, are passed through the scuttles and port holes of the ships, and immediately concealed by the pretended watermen, who, if pursued by the Trinity or other Officers, generally sink the goods to avoid the penalties of the law; but for the most part these adepts find means to elude the vigilance of the Officers, and to convey the plunder under the regular system they have established, to their friends the receivers, who being under no legal restraint, immediately cover and protect the depredators from hazard of punishment.

But there are other modes by which the property of the merchants is faid to be embezzled and plundered, even to a greater extent than by the *lumpers*, the *mud-larks*, or the *pretended watermen*.

The depredations alluded to are made by what may be denominated gentlemen plunderers, or perfons who keep lumber-yards, small bemp and store shops, spirit dealers, and small grocers, who infinuate themselves into the good graces of persons who are known to have some trust on board of ships which are under discharge, and who keep boats and servants for the purpose of plundering on a more enlarged scale, by which many of them make fortunes in a few years:—These being more latent, are not so generally known, although from the extent of their dealings they are far more pernicious than the lumpers, scussel-hunters, or mudlarks.

The operations of this class generally commence during the night, or at those intervals when the discharge of a ship is suspended for want of crast, by drawing off rum and other liquors with cranes made on purpose, and conveyed into bladders containing from two to six gallons each. These bladders are immediately put into the boats which are in attendance, together with quantities of sugar, coffee, and other portable articles, according to the nature of the cargo, which are conveyed to an appointed place, having persons stationed on shore to give notice by a particular signal or watch-word when the cargo may be safely landed.

It would fill a volume to recount the various devices and tricks to which criminal people refort for the purpose of obtaining this species of plunder, for befides the different classes of delinquents which have been named, there are gangs of more audacious offenders, known by the name of River Pirates, who ply upon the Thames during the night, in boats provided for the purpose, and plunder whatever they can obtain from lighters, or upon the quarters, or decks of ships, either loading or discharging, including the tackle or apparel of veffels not fufficiently guarded, or where the crews are either afleep or not of fufficient strength to refist them.-The following particulars have been obligingly communicated by a gentleman of undoubted veracity, and whose habits of life have afforded him many opportunities of knowing the nature and extent of the depredations on property afloat in the River Thames, and he speaks of the following circumstances as facts which came within his own knowledge.

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" That an American veffel lying at East-lane Tier, " was boarded in the night, while the Captain " and crew were afleep, by a gang of these " river pirates, who actually weighed the ship's " anchor and hoisted it into their boat, with a " complete new cable, with which they got clear " off.—The Captain hearing a noise dreffed " himself and came upon deck just as these " rafcals were ready to fet off, and they actually " rowed away in his presence after telling him " they had got his anchor and cable, and bid-" ding him good morning."

Another instance happened of the same kind with a veffel from Jersey, whose bower anchor was weighed, and with the cable plundered and carried off in the fame way.

But although only these two instances of extraordinary audacity are mentioned, many others, equally aftonishing, could also be adduced.—When veffels first arrive in the River they are generally very much lumbered, especially those from the West Indies. It then becomes the harvest of these river pirates, with whom it is no uncommon thing to cut away bags of cotton, cordage, spars, oars, &c. from the quarters of veffels,

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vessels, and to get clear off, even in the day time as well as in the night. And as all the other classes of aquatic labourers who work up the River are more or less associates in the same species of criminality, they connive at the delinquency of each other, and hence it is that with so many facilities and with such a perfect system for the purpose of concealing fraud, so very sew are detected.

Many of the lightermen are also supposed to be deeply implicated in this complicated system of pillage and plunder, and they too have their tricks and devices for the purpose of robbing the Shippers and Importers of their property.

A Canada merchant who had been accustomed to fhip quantities of oil annually to the London market, finding (as indeed almost every merchant experiences) a constant and uniform deficiency in the quantity landed greatly exceeding what could arise from common leakage, which his correspondents were quite unable to explain, and having occasion to visit London, he was refolved to fee his cargo landed with his own eyes, fo, as if possible, to develope a mystery heretofore inexplicable, and by which he had loft a confiderable annual fum for feveral years. Determined therefore to look sharp after his property, he was in attendance at the wharf in anxious expectation of a lighter which had been loaded with his oil on the preceding day, and which, for reasons which he could not comprehend.

hend, did not get up for many hours after the usual time.

On her arrival at the wharf the proprietor was confounded to find the whole of the casks stowed in the lighter with their bungs downwards. Being convinced that it was the effect of defign, he began now to discover, one of the causes at least, of the great losses he had sustained, and therefore he attended the discharge of the lighter until the whole of the casks were removed, when he perceived a great quantity of oil leaked out and in the hold of the veffel, which the lightermen had the effrontery to infift was their perquisite. The proprietor ordered casks to be brought, and filled no less than g of them with the oil that had thus leaked out. He then ordered the ceiling of the lighter to be pulled up, and found between her timbers as much as filled 5 casks more; thus recovering from a fingle lighter load of his property, no less than 14 casks of oil, that but for his attendance, would have been appropriated to the use of the lightermen, who, after attempting to rob him of fo valuable a property, complained very bitterly of his ill usage in taking it from them.

In many cases where goods are put into lighters, it is no uncommon thing to cut them adrift, and when out of the view of the watchmen, immediately to commence their pillage.

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An instance of this fort has been mentioned to the author, from a source of undoubted authority, where a lighter, with tallow, was cut from a ship in the Pool, and was next morning discovered athwart the tier, in Cherry Garden, with six casks of tallow rolled off her, and removed, and two more broke open, and the chief part plundered.

The lumpers however have the largest share of the aggregate plunder on the River .- Their fystem has been long matured, and they are prepared at all points with iron crows, and hand vices to draw nails without noife. and apparel made with a view to this object; for, befides the bag already described, they are generally furnished with two pair of trowsers, and with frocks made in a particular manner, with large pockets, for the greater convenience of concealing and conveying plun-And it has even been afferted, that with fome exceptions, it is no uncommon practice to obtain from gangs of lumpers a premium merely for the liberty of being permitted to labour gratuitously in the discharge of vessels having particular cargoes on board. -Wages become no object at all wherever there is a prolific harvest for plunder.

The watermen who affift these lumpers are also large sharers in the plunder they affist in removing.— An apprentice, in this line, has been mentioned to the author, as keeping both a mistress and a riding horse from the profits of his delinquency.

There

There exists at present a club of working lumpers, where above fixty of these aquatic plunderers meet regularly, and subscribe a certain sum for establishing a general sund, out of which the penalty of 40s. adjudged under the Bumboat Act, to be paid by every person convicted of conveying goods pilsered from vessels, is regularly discharged; and the delinquents, instead of going to jail, are by this means enabled to return to their former criminal pursuits.—Some of the members of this club, although apparently common labourers, are said to have their houses surnished in a very superior stile, and to be possessed for property in the funds to the extent of from £1500. to £2000.

Inferior Officers of the Customs, and particularly that class of supernumerary tidesmen who are employed, pro tempore, when there is a press of business, and who, from that circumstance, are called glutmen, are supposed to connive, as well as some of the stationary Officers, at improper practices of these various offenders, and also to share in the plunder;* nor is this much a matter of wonder, when it is considered that these glutmen are generally composed of persons who are without employment, and being also without character, recommend

themselves.

^{*} One thousand fix hundred men are employed in the Custom-House of London, the major part of whom are on River duty as watchmen—thirty of these inserior Officers are generally put on board each East-India ship, sive or six on board each West-Indiaman, and the like proportion on board of other vessels, according to their size, all of whom are generally sed and maintained at the expence of the Owners.

themselves principally from the circumstance of being able to write.

These various and complicated systems of pillage and plunder are proved to exist from the constant and unaccountable deficiencies which are manifest in almost every cargo that is discharged; but more particularly, West-India cargoes, where the ship-owners have often sums of money to pay on this account,

The existence of the evil is also manisest, in a great degree, from the seizures that are made, not only by the Officers of the Customs and Excise; but also, by the Trinity and Police Officers, under the Ast of the 2d of his present Majesty, for preventing Thests and Frauds by persons navigating bumboats and other boats, on the River Thames, already mentioned.

But the mischief is not merely confined to aquatic plunderers; since it is well known, that every public wharf and quay, where goods of any description are loaded or landed, is filled with hordes of criminal people, discharged by acquittals, or by goal-deliveries, or persons who, having lost all character for honesty, can find no master who will give them employment.

These deprayed characters (who are also sometimes known by the name of feuffle bunters) prowl about the wharfs, quays, and warehouses, under the pretence of asking employment as porters and labourers: but whose chief

chief object is to pillage and plunder whatever comes in their way, and for this purpose, they are constantly upon the watch.

It rarely happens, that a Magistrate, in investigating the history and employment of an idle or suspicious character, or Lottery vagrant, does not find that they have either worked at the water-side, or if of a superior cast, that they have been employed as Custom-House Officers,—meaning thereby, that they were glutmen, as already explained.

The evil is certainly of great magnitude; and when it is shewn also to extend to the tackle and apparel of ships and vessels lying in the Thames, as well as to their cargoes; it becomes a matter of important consideration by what means it is to be remedied,

No doubt can be entertained but the reftrictions by licence and other regulations, which are proposed to be extended to old iron, rope, rag, and store shops, who may be truly said to be the manufacturers and nourishers of thieves, from the child of tender years to the adult, (and which are more fully explained in the eighth Chapter) would go a great way to cure the evil: but there seems, in this case, to be a collateral system necessary to aid such regulations, which will perhaps depend more on measures which may be adopted by the merchants and ship-owners themselves, than by any legislative regulation.—Such as appointing a considential person to

lock up the hatches and bulk-heads of all veffels under discharge, in the evening, and to open them again in the morning, so that no person can get access to the cargo during the night, and also, that a confidential person shall constantly attend on board, with an officer of justice, who shall search all lumpers, glutmen, and others, as often as they depart from the ship; or application might be made to Parliament for the appointment of proper inspectors, finding good security, and who should, with their assistants, for whom they should be responsible, attend the delivery of each cargo, and secure the hatches every evening.—The revenue being greatly injured by the plunder and pillage which at present prevails, Government becomes interested, together with the merchants, in applying a remedy.

But the chief evil arises from so many vessels with valuable cargoes being compelled to discharge in the Pool, and to send the goods on shore in lighters.— And this evil is only to be corrected completely by proper docks and quays for landing goods, under such circumstances as would prevent the necessity of any intermediate transit from the ships to the warehouses.

At present there are no less than fix stages of danger where goods are liable to be plundered.

- 1. In the hold of the vessel from the circumstance of the discharge taking place in the River.
- 2. In the transit from the ship to the wharfs in lighters.

- 3. In landing from the lighters upon the wharfs.
- 4. In lying exposed upon the wharfs or quays, waiting for the Revenue Officers.
- 5. In the transit from the wharfs to the warehouses.
- 6. In the stowing away in the warehouses.

In all which stages there are separate classes of criminal delinquents constantly upon the watch to avail themselves of every opportunity whereby they can acquire booty.

The grand remedy therefore would certainly be in the formation of docks, and in the building of quays or wharfs, and warehouses, properly inclosed, where goods-could be immediately conveyed from the ships into the repositories of the merchants.

Since the Author published the first Edition of this Work he has, with great satisfaction, seen a rising spirit of improvement with regard to the Port of London, pervade all ranks in the community.—If such a spirit shall produce the completion of any of the great designs that have been meditated, which shall, on mature consideration, be best adapted to the object in view, immense and incalculable advantages will result from the measure.

Aftonishing in point of magnitude and extent as the trade of the Port of London is at present, far, very far, beyond any other Port in the world: such improvements as are now meditated would raise it infinitely higher, for then that convenience would be afforded to the general trade of Europe and America, which might, by means of a warehousing system giving facilities without expence, render London a general Enterpôt for a large proportion of the commerce of the world.

Every thing connected with the state of Europe appears favourable for the acomplishment of this extent of commercial aggrandizement, which, however, can only be obtained through the medium of the projected improvements.

The introduction and establishment of fecurity, facility, and accommy in the transit of merchandize is one of the first objects of importance in a free commercial state, and the design of the docks when accomplished, will be the means, and perhaps the only effectual means of obtaining these objects.

When the enormous amount of the estimated plunder is considered, which, by this and other arrangements, will be prevented, the expence ceases to be an object; but when to this is added the additional advantages, which may result from a bonding system and a free port, making London the grand Depôt for the com-

merce of the world: no pecuniary facrifices can be too great to accomplish an object where such extensive benefits are to arise, not only to the metropolis, but also to the whole nation.

The expence would vanish and appear as nothing when opposed to the obvious and striking advantages to be obtained by the state in the increase of revenue—in the suppression of smuggling as well as plunder, and in that system of economy and saving in salaries which would result from the discharge of the legion of subordinate officers employed at present, often mischievoustly, under pretence of watching ships, whose labour may be rendered more productive to the country, and certainly less injurious to their morals, by pursuing courses of honest industry.

Nothing, (as has already been observed,) can posfibly convey to the mind a more exalted idea of the proud height to which the commerce of the city of London has arrived, than the estimates of its imports and exports, inserted in this Chapter.

Thirteen thousand five hundred vessels arriving and failing from a single port in the course of a year, and bringing and carrying away property to the extent of between fixty and seventy millions sterling, and producing a gross revenue of fix millions a year, in the Customs, independent of the immense imposts of Excise, cannot fail to establish in the mind

a very high idea of the great opulence of the metropolis, and of the unparalleled resources which can move and keep assort such a vast commercial system—which amounted only to one-third of its present extent in the year 1753, and is now equal to threesists parts of the whole trade of England.

The accession of wealth, thus rapidly slowing into the capital, through the medium of trade and commerce, must, in the nature of things, produce an increase of crimes. And the great object for consideration is, while we encourage and use every proper means to advance the former: bow the latter is to be decreased or kept within due bounds.

This can only be done by establishing a correct system of police, aided by that species of superintendance which shall produce intelligence, and excite vigilance in a department now become of the highest importance to the metropolis, since upon its due adadministration such infinite advantages are to be acquired not only in the protection of property, but in the preservation of the morals of the people.

The prevention, in a great measure, of pillage and plunder in the River Thames, is by no means impracticable:—it only requires exertion and perseverance in pursuing the objects recommended in this Work; and when it is considered, that besides the protection of so vast a property as must be annually saved

by a proper fystem, several thousands now engaged in these nesarious practices, will be compelled to become honest, and to trust to the liberal wages arising from labour for their support, in lieu of indulging themselves in that profligacy and idleness, which is always the result of crimes arising from the ease and facility by which money is obtained;—it becomes a matter of the very first importance, not only to the commerce of the country; but also the best interests of the state, that some effectual measures should be adopted as early as possible.

CHAP. IV.

Reflections on the Causes of the prevailing Abuses, Frauds, Plunder, and Pillage, in the Navy, Victualling and Ordnance Departments, in Ships of War and Transports, and in the Dock-Yards and other Public Repositories.—A Summary View of the existing Laws applicable to these Objects.—Their Desiciencies explained, with Observations on the Means of improving them.—The existing Abuses analized.—Remedies proposed and explained.

NDER the pressure of those accumulated wrongs, which constitute the extensive frauds, embezzlements, pillage, and plunder, known and acknowledged to exist in the dock.yards and other public repositories, it is

not easy, at first view, to assign a reason for that apparent supineness on the part of men of known honor and integrity, who have heretofore presided, and who now preside at the public Boards, in not using the means necessary to remedy so great an evil.

It may possibly be accounted for by the extreme difficulty which men, constantly occupied in a laborious business, find in pursuing enquiries, or forming arrangements out of their particular sphere; and more especially, when such arrangements require those powers of business, as well as that species of legal and general information, which does not attach to men whose education and habits of life have run in a different channel.

Under fuch circumstances, it is scarce to be wondered at, that greater efforts have not been used (for great efforts are unquestionably necessary) to correct those abuses, which have long existed and which have been progressively increasing, under circumstances where the property of the public not only suffers a vast annual diminution by frauds and embezzlements, but where such practices sap the soundation of all morals, and extend their baneful influence even to men in the upper and middle ranks of society, who are too seldom restrained by any correct principle of rectitude in their transactions, where public property is the object.

These principles, it is to be seared, pervade a considerable majority of those who either surnish in the first instance,

instance, or are afterwards charged with the custody of public stores.

When the object in view is to acquire money, the power of example, fanctioned by usage and custom, will reconcile the mind of man, by degrees, to enormities and frauds which at first could not have been endured.—Acting under this influence, it too often happens that a distinction is made on the score of moral rectitude in the minds of many individuals, between the property of the nation, and private property.—While the most scrupulous attention to the rules of honor prevails in the latter case, principles, the most relaxed, are yielded to in the former.

And thus it is, that in such situations, the minds of many inferior agents become insensibly reconciled to every species of fraud, embezzlement, and peculation.

Enormous gratuities are given, under the colour of fees, to those who can affist in promoting the views of the fraudulent, or in guarding them against detection.— What was at first considered as the wages of turpitude, at length assumes the form, and is viewed in the light of a fair perquisite of office.

In this manner abuses multiply, and the ingenuity of man is ever fertile in finding some palliative.—Custom and example at length sanction the greatest enormities.

Thus fortified by immemorial and progressive usage, the superior Officers find it an Herculean labour to cleanse the Augean stable.

A phalanx of interested individuals oppose them.—
The task is irksome and ungracious.—The enquiry involves in it matter of deep concern, affecting the peace, comfort, and happiness of old servants and their families, who have always been ill paid, and who, but for such perquisites, could not have acquired property, or even supported themselves with decency.

It is an invidious task to interfere with regulations which may ultimately affect the interest or the character of individuals, who have heretofore perhaps been regarded as objects of partiality or affection:—and those whose duty it is to superintend these departments, knowing their own purity, are unwilling to believe that the same principle of rectitude does not regulate the conduct of others in inferior situations.

Unwilling also to disturb the emolument of the subordinate servants of the Crown, who are otherwise not sufficiently remunerated; while matters, of apparently greater importance, constantly press upon their attention, the consideration of such abuses is generally postponed; and those who complain of their existence, seldom meet with much encouragement, unless some specific act of criminality is stated, and then it is referred, as a matter of course, to the proper law-officers.

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These circumstances, however, only prove the necessity of some other and more effectual agency to remove an evil, which, (if the affertions of those whose official situations give them access to the very best information as to its extent and enormity, are correct,) is of the greatest magnitude, and calls aloud for the immediate attention of the executive government.

These affertions lead to a conclusion, that the frauds upon the public, including the embezzlements, pillage, and plunder of the public stores at Portsmouth and Plymouth alone, amount nearly to one million sterling a year during war, and to half that sum in time of peace.

Incredible as this may feem at the first blush, it will not, upon reflection, aided by a minute and accurate knowledge of circumstances, appear to be an exaggerated estimate.

But whether it shall be precisely accurate or not, is of the less consequence, since it stands admitted as an incontrovertible fact, that the evil is enormous, and that the pressure upon the public, arising from the existing abuses, is increasing every year.

A remedy therefore ought to be administered:—and it becomes the peculiar duty of Magistrates, who may have had access collaterally to develope these abuses, in the detection of offenders disposing of public property, not only to bring them to justice, but also to suggest what shall occur as the best means of prevention.

To

To understand how this is to be accomplished, it will be necessary to examine the nature and effect of the existing laws made for the protection of his Majesty's naval and military stores.

The Acts of the 31st of Elizabeth, and the 22d of Charles II. made it felony, without benefit of Clergy, to steal or embezzle any of his Majesty's military or naval stores or provisions, above the value of Twenty Shillings.

By the 9 and 10 of William, the receivers of embezzled stores, or such as should have the same in their custody, are subject to a penalty of £200.

From this period, till the 1st of George the Second, the attention of the Legislature does not feem to have been directed to this object, when by this statute the principal Officers or Commissioners of the Navy are authorised to issue warrants to fearch for public property stolen or embezzled, and to punish the offenders by fine or imprisonment.

A fucceeding act made the 9th year of the same reign, empowered the Judges to mitigate the fine of £200. imposed on persons having in their possession public stores, and to punish the offenders corporally, by causing them to be publicly whipped, or kept at hard labour for six months in the House of Correction, which certainly was a great improvement.

The laws on this subject were further amended by the 9th of his present Majesty, when the Treasurer, Comptroller, Surveyor, Clerk of the Acts, or any Commissioner might act as Justices in causing offenders to be apprehended.

hended and profecuted.—These powers were given with a view to establish a greater degree of energy in detections: but experience has shewn that the purpose has not been answered.

The last act which relates to the protection of the public flores, was made the 12th year of his present Majesty's reign, (cap. 24.) and related solely to burning ships, warehouses, and naval, military, or victualling stores, in any of the dominions of the crown, which is made selony without benefit of Clergy.

A very superficial view of the subject will demonfirate the insufficiency of those enumerated laws to the object of prevention. And even if they were complete, the task imposed on the public officers, who are on every occasion to act as Justices, has proved from experience to be a measure ill calculated to attain the object in view, namely, the detection of offenders; —otherwise the evil would not have encreased.

If the fystem of regulating the dealers in old metals, and second-hand naval stores and hand-stuff, as detailed in the eighth chapter, shall be adopted and become a general law, or if it shall be extended to the places within ten miles of every Dock-yard, it would have a most powerful operation in preventing many of the abuses which are now practised, provided also that the Act of the 2d. of his present Majesty, entitled, an Act to prevent committing of frauds and theses, by persons navigating bum-boats, and other boats on the River Thames, be extended to Sheerness, Chatham, Ports-

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mouth, and Plymouth with fuch alterations and amendments as shall apply to local circumstances.

And if, in order to give vigor and energy to the execution of these proposed laws, and the laws now in being, with such amendments as shall hereaster be proposed, a Police-Office, with two able, intelligent, and active Magistrates of tried virtue and integrity, shall be established at each of the dock-yards, with proper officers under their direction, the multitude of persons who now support themselves by plunder would be compelled to become honest, while the saving to the nation would exceed all calculation.

Having faid thus much, it may now be proper to enter into some detail of the most prominent abuses, in order to elucidate the existing evils, as well as what is to follow in the shape of a remedy.

These abuses are multifarious, and are perpetrated through the medium of a vast variety of agencies, which naturally divide themselves into two distinct branches.

The first relates to frauds which are committed by the connivance and affistance of clerks, store-keepers, and inferior officers in the Dock-yards, and other repositories, and in ships of war and transports, in receiving and delivering Naval, Victualling, and Ordnance stores;—in surveys;—in returns of unserviceable stores;—

in what is called folving off stores;—in fradulent certificates;—in the sale of old stores; and by innumerable devices which constitute a great aggregate in the course of a year; thereby enriching a number of individuals at the public expence, by a system of plunder perpetrated by means of fraudulent documents and vouchers of articles which have no existence but upon paper.

The fecond relates to the actual pillage of new and old Cordage, Bolts of Canvas, Sails, Bunting, Twine of all forts, Fearnought and Kerfey, Leather, and Hides, 'old and new Copper, Locks, Hinges and Bolts, Copper Bolts and Nails in immense quantities, Bar-Iron, old Iron, Lead and Solder, Ship's-Plank, Oars, Timber of small fizes, Blocks, Quarterfluff, Candles, Tallow, Oil, Paint, Pitch, Tar, Turpentine, Varnish, Rosin, Beer and Water Cafks, Iron Hoops, Bifcuit Bags, Beer, Bread, Rum, Oil, Vinegar, Butter, Cheefe, Beef, Pork, &c .all which articles fuffer a vast annual diminution by means of that regular fystem of plunder which has become habitual to a number of the inferior fervants of the Crown, who have in their respective situations, access to such stores,* in which they are encouraged from the difficulty of detection, in as much as no annual inventory is ever taken of the public property.

^{*} It is by no means to be inferred from what is here stated, that there are not both among the furnishers and contractors for public stores, as well as the officers and clerks employed in the departments here alluded to, many individuals of great honor and integrity.—

It is to be hoped, the fraudulent are the smalless, in point of number, or that they will soon cease to be so.

Vast quantities are constantly provided, and the store-houses are generally sull; from which circumstance it happens as matter of course, that the articles which were recently deposited are issued first, and hence it is, that many valuable stores are said to have remained untouched and unseen for forty or sifty years, until a number of articles perish or become unserviceable from length of time.—An annual inventory, rendered practicable by more extensive store-houses, would remove this obvious inconvenience.

All stores being delivered under the authority of warrants figned by the commissioners and proper officers, the clerks, or in their absence, the foremen of the warehouses where the articles stated in the warrants are deposited, deliver the stores, and if opportunities offer, large additional quantities, by the connivance of these inserior officers, are frequently said to be sent out of the repositories, and sometimes stores are delivered three or four times over, under colour of the same warrant, without discovery.

A fimilar fystem prevails with regard to stores fent to the public repositories from dismantled ships of war and transports.

Many vessels in the coasting trade, and even ships of foreign nations, are said to touch at Portsmouth and Plymouth, merely for the purpose of purchasing cheap stores:—and it is well known, that many dealers

in naval stores in the neighbourhood of the Dockyards are chiefly supplied in this way.

The fystem which prevails at present with regard to the sale of old stores, not only proves a kind of safeguard to these fraudulent dealers, but it is also subject to great abuses, in the delivery of larger quantities not included in the public sales, by which the parties, perpetrating this species of plunder, are said to pocket considerable sums of money.

The artificers in the dock-yards, availing themselves of their perquisite of Chips, not only commit great frauds through this medium, by often cutting up useful timber, and wasting time in doing so; but also in frequently concealing within their bundles of chips, copper bolts, and other valuable articles, which are removed by their wives and children*, and afterwards sold to itinerant Jews, or to the dealers in old iron and stores, who are always to be found in abundance wherever the dock-yards are situated.

The

3000 men

^{*} It would feem that the abolition of the perquisite of Chips would be a great improvement, and prove the means of correcting many gross abuses which at present prevail in the different dock-yards, where it is estimated, that 3000 ship-wrights are employed at the wages of 2s. 1d. with the privilege of one bundle of chips each day, which though not worth more than 6d. to each ship-wright, actually costs Government 1s. 6d. because good and valuable timber is often cut down to make these chips.—The following estimate will elucidate what has been stated, and shew the benefits which Government would probably derive from the abolition of this perquisite, even if the wages should be raised, which are perhaps too low at present.

The naval, victualling, and ordnance stores pillaged in the dock-yards and other public repositories, and also from ships of war in the River Thames, are estimated in the first Chapter at £ 300.000 a year.

The vicinity of the metropolis, joined to the various facilities which fraudulent people enjoy through the medium of old iron and store shops on the spot;—of carts employed in this trade alone, constantly going and coming from and to the capital;—the advantage of an easy and safe conveyance of ponderous and heavy articles, by means of lighters and other crast passing up and down the River, and the extensive chain of criminal connection, which a course of many years has formed, joined to the ease with which frauds are committed, have combined to render this nesarious traffic a very serious evil.

Among the multitude of criminal people who are

£67.500
22.500
50.000
£140.000
2.4
22.500
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Prefumed gain by this arrangement £117.500

concerned in it, some are said to keep men constantly employed in untwisting the cordage, for the purpose of removing the King's mark, or coloured stran, which is introduced into it as a check against fraud, while others (as has been already mentioned) are, in like manner, employed in knocking the Broad Arrow out of copper bolts, nails, bar iron, and other articles, on which it is impressed, so as to elude detection.

It would scarce be credited, to what an enormous extent the sale of cheap cordage, sail-cloth, and other naval articles is carried, in supplying coasting vessels and smaller craft upon the River Thames, which has been plundered in a variety of ways*.

In addition to the remedies which have been proposed by the extension of the bum-boat act, with applicable amendments, to the different dock-yards situated beyond the limits of the River Thames, and by establishing Police Offices at Woolwich, Chatham, Portsmouth, and Plymouth, with proper boats and officers of justice, to watch the conduct and proceedings of fraudulent people, and to put the laws effectually into execution, it may be necessary to strengthen

^{*} It has been mentioned in the preceding Chapter, that 9000 coasting vessels, and also 4500 traders to foreign parts, enter and clear in the Custom-house of London, in the course of a year, independent of small craft in the River. This offers an inexhaustible resource for the purchase of cheap cordage, sail-cloth, and every other material.

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the existing statutes, by introducing into the proposed. Act of Parliament, the following regulations, including those already suggested: viz.

- 1. That all public stores found in the possession of persons employed under the Crown, in ships, dock-yards, or in public repositories, be conclusive evidence of embezzles ment,—The punishment, Transportation.
- 2. The possession of stores having the King's mark, in the custody or premises of any other person, to be evidence of receiving such stores, knowing them to be stolen.—

 The punishment, Transportation.
- 3. The defacing any of the King's marks, or removing the fame, or forging or counterfeiting the marks in canvas.—

 Transportation.
- 4. A power to Magistrates, to grant warrants to peace-officers to search for King's stores, on oath being made of their being deposited in any specific house or place, to be stated in the information.
- 5. Rewards to be granted for apprehending all offenders under the existing laws, for stealing or receiving the King's stores, to be paid according to the discretion of the judge who tries the offence, and in no case to exceed £40.—nor to be under £10.
- 6. Regulations to be made relative to the fale of old flores, fo as to prevent the purchase of such stores from being made a cover in the hands of receivers of stolen goods, for protecting stores fraudulently obtained.

- 7. Police Magistrates to be established with proper officers at Woolwich, Chatham, Portsmouth, and Plymouth.
- 8. The Act of the 2d of his present Majesty, known by the name of the Bum-Boat Act, to be extended to Sheerness, Chatham, Portsmouth and Plymouth.
- 9. Regulations to be made, rendering it felony to alter, erafe, or fabricate any documents, vouchers, books, accounts, or any writing, with an intent to defraud his Majesty, or to procure a quietus to any person having accounts to adjust with the Navy, Victualling, Transport, Ordnance, or Sick and Hurt Offices.

To render the fystem complete, and to guard the public against the frauds which take place in the receipt and delivery of stores, and in surveys, a system of checks might be usefully introduced into the different dock yards, upon the plan of what prevails in the Excise, with such variations as should be applicable to local circumstances; but as the Lords Commissioners of the Admiralty have full authority over their own servants, such regulations will require no new law.

But whatever may be judged expedient as the best means of preventing those evils which are known to exist, it would seem indispensibly necessary to place all the officers, artisans, and servants in the naval departments, above the reach of those temptations which constantly assail them, by such a liberal increase of salary or wages as would enable them to live comfortably according to their respective stations in life, and shield

them against the necessity of yielding to any proposition for the purpose of obtaining money at the expense of their honor or integrity.

The abolition of all perquifites, fees, or gratuities in the naval-departments, would, of course, follow the liberal increase of salaries, and would operate powerfully in promoting that chastity of conduct which ought to be the leading feature in the character of every person in whom any trust, either public or private, is reposed.

Nothing can be upon a footing more hostile to this chastity of conduct, than the prevailing practice of disposing of clerkships in the dock-yards for a premium.

It is faid to be no uncommon thing to pay £300 for a fituation, where the falary does not exceed £30 or £40 a year. It may fairly be asked in what manner a person so situated is to reimburse himself? The conclusion is obvious, and the result has been already explained, and may perhaps be still further elucidated by stating the sollowing fact.

An officer of justice, having discovered some instances of pillage and peculation going forward in the fraudulent removal of copper and other articles from a dismantled ship of war, complained to the storekeeper in the dock-yard, whose province it was to have received those articles into his charge, which were conveyed elsewhere.—He replied thus56 D—n it, mind your own business—Such 56 things have always been done, and will 56 continue in spite of you or me:—It will 56 at any rate, last our time."

The object and views, however, of the Author of these pages, are somewhat different from this trusty servant of the Crown; for the Suggestions, now offered, lead to measures, which, he hopes, will in time be the means of introducing such regulations into the system of the Navy, Victualling, and Ordnance Departments, as will, by rendering the resources of the Country productive in a much greater degree, establish that kind of permanency which will not only last our own time, but extend to many generations; while the same regulations, by preserving the morals of the people, will increase the happiness and the security of all ranks in the Community.

CHAP.

CHAP. V.

General Reflections, arising from the perpetration of the bigher and more atrocious crimes of Burglary, Highway-Robbery, &c .- Thefe crimes more peculiar to England than to Holland or Flanders, &c .- The Reasons explained .- A general View of the different Classes engaged in Robberies and Burglaries, and of those discharged from Prisons and the Hulks :- Their miserable situation as outcasts of Society, without the means of Support .- The necessity of some Antidote previous to the return of Peace.—The means used at present by Thieves in accomplishing their nefarious Purposes .- Observations on Thefts perpetrated by Perfons stealing Cattle, Sheep, Corn, &c.-Receivers of Stolen Goods shervn to be the Nourishers of every description of Thieves .- Remedies suggested, as the means of Detection and Prevention.

IT is impossible to reslect upon the outrages and acts of violence which are daily committed, more particularly in and near the metropolis, by lawless and highly-depraved characters, in disturbing the peaceful manfion, the Castle of every Englishman, and also in abridging the liberty of travelling upon the public highways, in consequence of the interruption of these ravagers of property,

property, and destroyers of lives, without asking—Wby are these enormities suffered in a Country where the Criminal Laws are supposed to have arrived at a greater degree of persection than in any other?

It is an important enquiry, interesting in the highest degree, to every member of the body politic.

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If, in pursuing such an enquiry, the situation of Holland, Flanders, and several of the Northern States on the Continent shall be examined, it will be found that this terrific evil scarce has an existence: and, that the precaution of bolting doors and windows during the night, is even seldom used, although, in these Countries, from the opulence of many of the inhabitants, there are great temptations to plunder property.

This fecurity does not proceed from feverer punishments, for in very few Countries are they more fanguinary than in England.—It is to be attributed to a more correct and energetic fystem of Police, joined to an early and general attention to the education and morals of the lower orders of the people; aided by a system of industry and sobriety, which becomes universally habitual in early life, and grows up with years.

Idleness is a never-failing inroad to criminality.—
It originates generally in the inattention and the bad example of profligate parents.—When such habits unfortunately take hold of the human mind, unnecessary

ceffary wants and improper gratifications, not known or thought of by persons in a course of industry, are constantly generated, and hence it is, that crimes are resorted to, and every kind of violence, hostile to the laws, and to the peace and good order of society, is perpetrated.

The criminal and unfortunate individuals, who compose the dismal catalogue of highwaymen, footpad robbers, burglars, pick-pockets, and common thieves, who infest this great metropolis, may be divided into the three following classes:

- 1. Young men of some education, who having acquired idle habits by abandoning business, or by being bred to no profession, and having been seduced by this idleness to indulge in gambling and scenes of debauchery and dissipation, till at length exhausted, with regard to the means of prosecuting such courses, they have recourse to the highway to supply immediate wants.
- 2. Tradesmen and others, who having ruined their fortunes and business by gaming and dissipation, sometimes as a desperate remedy, go upon the road.

But these two classes are extremely sew in number, and bear no proportion to the lower and more depraved part of the fraternity of thieves, who pursue the trade systematically.—Who conduct their depredations under such circumstances of caution, as to render detection extremely difficult, and whose knowledge of all the weak parts of the Criminal Law is generally so complete, as to enable them to elude justice, and obtain acquittals, evinced in a number of instances were old and hackneyed thieves are put upon their trial.—Namely—

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3. 1ft. Servants, hoftlers, flable and post-boys out of place, who have acquired idle habits, and studied the profession of thieving .- ed. Persons, who being imprisoned for debts, affaults, or petty offences, have learned habits of idleness and profligacy in gaols .- 3d. Idle and disorderly persons, (mechanics and labourers) who having on this account loft the confidence of their mafters or employers, refort to thieving, as a means of support, from all whom the notorious and hackneyed thieves generally felect the most trusty and daring to act as their affociates .- 4th. Perfons who have been tried and acquitted of criminal offences charged against them, of which class there have been a vast number let loofe upon fociety within the laft ten years.*-5th. Convicts discharged from Prisons and the Hulks,+ after fuffering the fentence of the law: often instructed by one another in all the arts and devices which attach to the most extreme degree of human depravity, and the perfect knowledge of the means of perpetrating crimes, and of eluding justice.

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** Discharged from Newgate in 1786 - 575 1791 - 584 1787 - 611 1792 - 804 1788 - 542 1793 - 702 1789 - 614 1794 - 644$ 1790 - 532 1795 - 578$ 3312 2894
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Total Prisoners 6206

& Besides discharges for the Army and Navy.

+ Since the first institution of the Hulks in 1776, there have been discharged upon society from Woolwich, Portsmouth, and Langston Harbour, two thousand five bundred and thirty Convicts.

Viz. 1. By Expiration of Punishment - 1610
2. By Pardons - - - - 790
3. By Escapes - - - - 130

Total 2530 Convicts.

For the purpose of forming some judgment of the number of persons in this great metropolis, who compose at least a part of the criminal phalanx engaged in depredations and acts of violence, it is only necessary to have recourse to the following summary, but melancholy detail of the prisoners who have been discharged within the last sour years from the eight different Gaols in the metropolis, and within the bills of mortality; where these enemies to the peace, safety, and good order of society, are too often educated in vices and habits which send them forth as depredators on the public.

1. Perfons discharged by proclamation and gaol-deliveries, having been committed in consequence of being charged with various different offences, for which the bills were not found by the Grand Jury, or where the prosecutors did not appear to maintain and support the charges

2. Persons discharged by acquittals, in the different Courts (frequently from having availed themselves of the desects of the law,—from frauds in keeping back evidence, and other devices)

3. Convicts discharged from the different gaols, who have suffered the punishment of imprisonment, &c. in consequence of being convicted of different offences - 2484

4. Convicts discharged and escaped from the Hulks at Woolwich, Portsmouth, and Langston - - 896

Total 11,934 Humanity

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Humanity shudders at the contemplation of this interesting part of the discussion, when it is considered, who these miserable fellow-mortals are! and what is to be expected from the extreme depravity which attaches to the chief part of them!

And here a prominent feature of the imperfect state of the Police of the metropolis and the country is too evident to escape notice.

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Without friends, without character, and without the means of subsistence, what are these unhappy mortals to do when they are thus let loose upon society?—They are no sooner known or suspected, than they are avoided.—No person will employ them, if even they were disposed to return to the paths of honesty, unless they make use of fraud and deception, by concealing that they have been the inhabitants of a prison, or of the bulks.

At large upon the world, without food or raiment, and with the constant calls of nature upon them for both, without a home or any asylum to shelter them from the inclemency of the weather, what is to become of them?

The Police of the Country has provided no place of industry* in which those who were disposed to re-

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form

That man will deferve a flatue to his memory who shall devise and carry into effect a plan for the Employment of Discharged Convids, who may be desirous of labouring for their substitence in an honest way.—It is only necessary for some men of weight and influence to make the attempt, in order to ensure the affistance of the opulent and humane in so good and necessary a work.

form might find subsistence in return for labour, which, in their present situation, becomes useless to them, because no person will purchase it by employing them; and hence it is to be feared that many convicts from dire necessity, return to their old courses.—And thus it is, that through the medium of these miserable outcasts of society, crimes are increased and become a regular trade, because many of them can make no other election.

It is indeed true, that during the war, many convicts, and idle and disorderly persons go into the army and navy: but still a vast number remain behind, who cannot be accepted on account of ruptures, fits, or some other disability or infirmity, which, although they incapacitate them from serving his Majesty, do not prevent them from committing crimes.

Were it not for the circumstance of the war, no doubt can be entertained from the evident increase of these mischievous members of the community, that they would have become extremely troublesome. How necessary, therefore, is it to be provided with antidotes previous to the return of peace; when, to the multitude of thieves now at large, there will be added numbers of the same class who may be discharged from the navy and army?—If some plan of employment is not speedily devised, to which all persons of this description may resort, who cannot otherwise substitute fubsist themselves in an honest way; and if the Police of the metropolis is not greatly

greatly improved and better adapted to the present state of society, by the introduction of more energy, and a greater degree of system and method in its administration; it is much to be seared, that no existing power will be able to keep them within bounds.

It is in vain to fay the laws are fufficient.—They are indeed voluminous enough.—One half would do, properly confolidated and adapted to the prevention of existing evils, with such regulations as would ensure their due execution in every part of the Capital. No thing short of such an improved system will prevent a most alarming increase of this very dangerous class of depredators upon the public.

The means they at present use in accomplishing their nesarious purposes are complicated and various, and of late years have become as much diversified as it is possible for the ingenuity of men to devise, who frequently join good natural abilities to all the artifices of the finished villain.

It is no uncommon thing for the more daring and flrong-minded to form themselves into gangs or societies, to the exclusion of those of their fraternity whose hearts are either likely to fail them, or who are supposed not to be sufficiently firm, so as to secure their accomplices against the hazard of discovery in case of detection.

In this line of depredation, robbery and theft have long been reduced to a regular fystem. Opportunities are watched, and intelligence procured with a degree of vigilance similar to that which marks the conduct of a skilful General, eager to obtain an advantage over an enemy.

Houses intended to be entered during the night are previously reconnoitred and examined for days preceding. If one or more of the servants are not already associated with the gang, the most artful means are used to obtain their assistance, and when every previous arrangement is made, the mere operation of robbing a house becomes a matter of little difficulty.

By the connivance and affistance of immediate, or former fervants, they are led to the places where the most valuable, as well as the most portable articles are deposited, and the object is speedily attained.

In this manner do the principal burglars and housebreakers proceed: which shews how cautiously every person should be in the choice of both male and semale servants; for the latter as well as the former are not seldom accomplices in very atrocious robberies.

The same generalship is manifested in the nocturnal expeditions of these criminal affociations upon the highways.

A perfect knowledge is obtained every evening, of the different routes and fituations of the patroles:

—they are narrowly watched, and their vigilance (wherever they are vigilant) is in too many instances defeated.

Infinite pains are bestowed in procuring intelligence of persons travelling upon the road with money, bank-notes, or other valuable effects, and when discovered, the most masterly plans are laid to waylay and rob them of their property: nor have the measures pursued by those atrocious villains the sootpads, exhibited less generalship in the plans they have adopted, excepting that their outrages are too often marked with those acts of cruelty and barbarity which justly render them objects of dread and terror.

The same adroitness also marks the conduct of those who turn their attention chiefly to picking of pockets and other smaller robberies.

It would almost fill a volume to detail the various artifices which are reforted to, in carrying on this species of thieving, by which even the most cautious, and those who are generally upon their guard, are not exempted from the ravages of these nuisances in a great metropolis.

In addition to the injuries or losses arising from burglaries, high-way robberies, and lesser thests, it is

to be lamented that extensive and encreasing depredations are made upon cattle and sheep, and also upon flour, corn, potatoes, provender, and poultry stolen from the drovers, millers, corn-factors, and farmers in the vicinity of the metropolis.

The great facility which the various classes of criminal people experience in the immediate disposal of every article that is obtained by dishonesty, is one of the chief encouragements to all the acts of outrage and depredation which they are constantly in the course of committing.

It frequently happens that the burglars, the high-way-men, and foot-pad robbers, make their contracts with the receivers, on the evening before the plunder is obtained, fo as to fecure a ready admittance immediately afterwards, and before day-break, for the purpose of effectual concealment by melting plate, obliterating marks, and securing all other articles so as to place them out of the reach of discovery. This too has long been reduced to a regular system which is understood and followed as a trade.

Nor do those classes of thieves who steal cattle and sheep, experience more difficulty in finding purchasers immediately for whatever they can obtain in a dishonest way:—they too, generally make a previous bargain with the receivers, who are ready at the appointed hour, to conceal the an imals, to kill them immediately,

diately, and to destroy the skins for the purpose of eluding and preventing detection.

It sometimes happens also, that the persons who perpetrate these robberies, are journeymen butchers by trade; who kill wherever they steal, previous to a sale, which is often made afterwards in the public markets.

The articles of com, flour, potatoes, provender, and poultry, are generally stolen from millers, wharfingers, and farmers, in the vicinity of the metropolis, for the most part by, or with the connivance of, their own servants; and brought to London on the top of teams or waggons, which travel mostly during the night, so as to arrive in the market by day-break.

These articles are generally disposed of to hostlers and servants at watering-houses upon the roads in the suburbs of the metropolis: and this, as well as the stealing of cattle and sheep, has, of late years become a very serious evil.

The most obvious means of prevention are to be obtained by such restraints as shall render it extremely dissicult to fell to receivers, and equally hazardous for them to purchase stolen goods. At present the temptation is great, as these nourishers and supporters of thieves generally purchase at less than half, and sometimes not above one-third of the real value.

If, by wife regulations, it shall be possible to embarrass and disturb the extensive trade carried on by the concealed receivers, who are the particular class having connections with the professed thieves, a very great check would be given to public depredations.

In fuggesting remedies, this of all others appears at first view to be the most difficult, because of the apparent impossibility of regulating any class of dealers who have no shop or visible trade, and who transact all their business under concealment:—but still the object is to be attained by a combination of different legislative regulations, carried into execution by a vigilant and well-regulated police.

The detail, however, of fuch measures coming more properly under another head, will, of course, be discussed in a subsequent chapter,* in which will be comprised whatever relates to the different classes of Receivers of stolen goods.

In addition to fuch great lines of prevention as shall result from proper restraints upon fraudulent dealers, and from a well-connected and energetic system of police, other embarrassments may be introduced, by encreasing the rewards, and holding out encouragements calculated to induce the thief to discover the receiver, and vice versa.

A register of lodging-houses and lodgers in every parish, liberty, hamlet, and precinct, where the rent does not exceed a certain sum (suppose ten shillings) weekly, would also prove a great means of embarrassment to thieves, and criminal people of every class; and of course would tend, with other regulations, to the prevention of crimes.

Night-coaches also promote, in an eminent degree, the perpetration of burglaries and other felonies.—Bribed by a high reward, many hackney-coachmen eagerly enter into the pay of nocturnal depredators, and wait in the neighbourhood until the robbery be completed, and then draw up at the moment the watchmen are going their rounds or off their stands, for the purpose of conveying the plunder to the house of the receiver, who is generally waiting the issue of the enterprise.

It being certain that a vast deal of mischief is done which could not be effected, were it not for the facilities which night-coaches afford to thieves of every description, it would seem, upon the whole, advantageous to the public, that they should not be permitted to take sares after twelve o'clock at night; or, if this is impracticable, that the coach hire for night service should be advanced, on condition that all coachmen going upon the stands after twelve o'clock, should be licensed by the Magistrates of the division, upon a certificate of good character, and to enter

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into recognizance, themselves and one surety, under a penalty of Fifty Pounds for good behaviour.—By this means the night coachmen, by being more select, would not be so open to the influence of criminal people, and they might besides be useful to public justice in giving informations, and also in detecting burglars, and other thieves.

Watchmen and patroles, from being comparatively of little use at present from their age, insirmity, inability, inattention, or corrupt practices, might almost at the same expence, by a proper selection, and a more correct mode of discipline by means of superintendants appointed by the Magistrates of each district, be rendered of great utility in preventing crimes, and in detecting offenders.* At present it is a system without

* The depredations which are committed almost every evening in Cheapside, and in the adjacent streets leading into it, is a strong proof of the necessity of an improved system with regard to watchmen and patroles.

Allured to that particular part of the metropolis, from the extensive and valuable property in piece-goods and other portable articles which are constantly removing to and from the different shops and warehouses:—a multitude of thieves and pickpockets exhibiting often in their dress and exterior, the appearance of gentlemen and men of business, assemble every evening in gangs, watching at the corners of every street, ready to hustle and rob, or to trip up the beels of the warehouse-porters and the servants of shop-keepers carrying goods, or to watch at the doors of warehouses at dusk and at the time they are locked, to be ready to seize loose parcels when unperceived, by which means, aided by a number of other tricks

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without energy, disjointed and governed by almost as many different acts of parliament, as there are parishes, hamlets, liberties, and precincts within the bills of mortality; and where the payment is as various, running from $8\frac{1}{2}$ d. up to 2s. a night.

The Act of the 14th of George IIId. entitled an Act for the better Regulation of the Nightly Watch, within the City and Liberty of Westminster, and parts

and fraudulent pretences, they are but too fuccefsful in obtaining confiderable booty. In fhort, there is no device or artifice to which these watchful and vigilant plunderers do not resort: manifested in a recent instance, where almost in the twinkling of an eye, while the servant of an eminent filk-dyer had crossed a narrow street, his horse and cart containing raw filk to the value of twelve handred pounds, were driven clear off by some of these atrocious villains, who are also constantly in waiting at the inns, disguised in different ways, personating travellers, coach-office clerks, porters, and coachmen, for the same nefarious purposes of plundering every thing that is portable, or which can be carried with the affistance of two or three of these associates in villainy, to a coach which is called for the purpose, where the booty is conveyed immediately to the receiver.

The most adroit thieves in this line are generally convides from the hulks, or returned transports, who, under pretence of having some oftensible business, (while they carry on the trade of thieving) generally open a chandlers-shop, set up a green-stall, or get into a public-house:—some of these old offenders are known also to keep livery-stables for thieves, and horses for the use of highwaymen, thereby forming a system by which these criminal people extend and facilitate their trade by nourishing, accommodating, and supporting one another.

adjacent;

adjacent, contains many excellent regulations, but they do not extend to the eastern part of the metropolis; and for want of an active and superintending agency, superior to beadles, it is believed and felt that they are not correctly carried into execution: and hence it is, that not a small portion of those very men who are paid for protecting the public, are not only instruments of oppression in many instances, by extorting money most unwarrantably; but are also not seldom accessaries in aiding, abetting, or concealing the commission of crimes which could not be the case, if proper superintendants, holding a superior rank in society, were established, who should watch their conduct, and keep them to their duty.

If to the fystem already proposed, of regulating Lodging-houses, Dealers in Old Metals, Rags, Ship's-Stores, Second-hand Wearing-Apparel, and Persons using Crucibles—were established additional regulations obliging Publicans, Paron brokers, Watch-makers, Buyers of Gold and Silver, Working and other Silversmiths, Dealers in old and second band Furniture, Brokers in secondband Goods, Dealers in old Building-Materials, Dealers in Dead Horses and other Animals, and Livery-Stable-Keepers letting Horses for bire, to make a return of their names and places of abode to the Magistrates of the diffrict where they refide, and fubjecting them to a penalty if they concealed any stolen goods, or horses, after the same were described in hand-bills or advertisements, or any horse lett to a highwayman after

after fuch highwayman was in like manner advertised: Much mischief and many evil practices, as well as robberies and burglaries would have been prevented.

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And if to this were added liberal rewards to the apprehenders of all classes of criminal persons, and a proper strength in honest, able, and active Officers and Patroles attached to each Public Office, with a fufficient fund to defray the expences of following up informations for the detection of criminal people, and of remunerating those who are active and useful in making discoveries, tending either to the recovery of property stolen, or to the apprehension of offenders, little doubt need be entertained, under the guidance of a fuperintending and vigilant Police, aided by zealous and active Magistrates, of such a system being established as would go very far towards the prevention of many atrocious crimes, the existence and increase of which have long been a reproach to the criminal jurifprudence as well as the Police of the Country.

C H A P. VI.

The Frauds upon the Public from base Money:—The causes of its enormous increase of late years.—The disserent kinds of false Coin detailed:—The process in fabricating each species explained:—The immense prosits attending this criminal Business:—The extensive Trade in sending base Coin to the Country.—Its universal Circulation in the Metropolis.—The great grievance arising from it to Brewers, Distillers, Grocers, and Retail Dealers, in particular, as well as the labouring Poor, in general.—The principal Channels through which it is uttered in the Country and in the Metropolis.—Counterfeit foreign Money extremely productive to the dealers.—A summary view of the causes of the mischief: the defects in the present laws explained:—A remedy proposed.

THE frauds upon the public which are committed by the fabrication of base Money, and by the nefarious practices which are introduced in the introduction of almost every species of counterfeit Coin into the circulation of the Country, falls now to be discussed in the regular order of the arrangement of this Work.

The great outlines of this enormous evil having been sated in the Introduction, it now remains to elucidate that

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that part of the subject which is connected with specific detail.

One of the greatest sources of these multiplied and increasing frauds is to be traced to the various ingenious improvements which have taken place of late years in Birmingham in mixing metals, and in stamping and colouring ornamental buttons.

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The same ingenious process is so easily applied to the coinage and colouring of false money, and also to the mixing of the metals of which it is composed, that it is not to be wondered that the avarice of man, urged by the prospects of immense profit, has occasioned that vast increase of counterseit money of every description with which the Country is at present deluged.

The false coinages which have been introduced into circulation or fold as an article of commerce of late years, are Guineas and Half Guineas, Crowns and Half Crowns, Shillings, Sixpences, Half-pence, and Farthings, of the similitude of the coin of the realm: of foreign coin, Half Johannes, Louis-d'ors, French Half Crowns, French Shillings and Sixpences, 30 Sol pieces, Prussian silver coin, with other continental coins: and also Sequins of Turkey and Pagodas of India.

So dexterous and skilful have these criminal people become, that by mixing a certain proportion of pure gold with a compound of base metal, they can fabri-

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cate guineas that shall be full weight, and of such perfeet workmanship as to elude the possibility of a discovery, except by persons of skill; while the intrinsic value does not exceed thirteen or fourteen shillings, and in fome instances not above eight or nine. Of this coinage confiderable quantities were circulated fome years ago, bearing the impression of George the Second: and at the prefent period another coinage of counterfeit guineas of the year 1793 bearing the impression of his present Majesty, is actually in circulation, finished in a mafterly manner and nearly full weight, although the intrinfic value is not above eight shillings: half guineas are also in circulation of the same coinage: but as the fabrication of fuch coin requires a greater degree of skill and ingenuity than generally prevails, and also a greater capital than most coiners are able to command, it is to be hoped it has gone to no great extent; for amidst all the abuses which have prevailed of late years, it is unquestionably true that the guineas and half guineas which have been counterfeited in a style to elude detection, have borne no proportion in point of extent to the coinage of base silver of which there are five different kinds at prefent counterfeited.

The first of these are denominated Flats, from the circumstance of this species of money being cut out of slatted plates composed of a mixture of silver and blanched copper. The proportion of silver runs from one fourth to one third, and in some instances even one half: the metals are mixed by a chemical preparation,

and afterwards rolled in flatting mills where the composition is formed into the thickness of *shillings*, balf-crowns or crowns, according to the desire of the parties who bring the copper and silver, which last is generally stolen plate. There is only at present one rolling mill in London, in a well-known situation, where all the dealers and coiners of this species of base money resort, for the purpose of preparing these plates, from which when sinished, blanks or round pieces are cut out, of the fizes of the money which is meant to be coined:

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The artifans who stamp or coin these blanks into base money are seldom interested themselves.—
They generally work as mechanics for the large dealers who employ a capital in the trade;—and who surnish the plates and pay about eight per cent. for the coinage, being at the rate of one penny for each shilling, and two-pence half-penny for each half-crown.

The operation is first to turn the blanks in a lathe;—then to stamp them by means of a press with dies with the exact impression of the coin which is intended to be imitated:—they are afterwards rubbed with sandpaper and cork; then put into aquasortis to bring the silver to the surface; then rubbed with common salt; then with cream of tartar; then warmed in a shovel or similar machine before the fire; and last of all rubbed with blacking, to give the money the appearance of having been in circulation.

All these operations are so quickly performed, that two persons (a man and his wife for instance) can completely finish to the nominal amount of fifty pounds of shillings and half-crowns in two days, by which they will earn each two guineas a day.

This species of money (which exhibits nearly the appearance of what has been usually called Birmingham shillings) are intrinsically worth from two-pence to four-pence, and crowns and half-crowns in the same proportion. The quantity of it which is made is very considerable: it requires less ingenuity than other methods of coining, though at the same time it is the most expensive mode, and of course the least profitable to the dealer, who for the most part disposes of it to the utterers, vulgarly called smassers, at 28s. to 40s. for a guinea, according to the quality, while these smassers generally manage to utter it again at the full import value.

The second species of counterfeit silver-money passes among the dealers by the denomination of Plated Goods, from the circumstance of the shillings and half-crowns being made of copper of a reduced size, and afterwards plated with silver, so extended as to form a rim round the edge. This coin is afterwards stamped with dies so as to resemble the real coin, which, from the circumstance of the surface being pure silver, is not easily discovered except by ringing the money on a table: but as this species of base money requires a knowledge of plating as well as a great deal of ingenuity, it is of course confined to

few hands. It is however extremely profitable to those who carry it on, as it can generally be uttered, without detection, at its full import value.

The third species of base silver-money is what is called Plain Goods, and is totally confined to shillings, which are made of copper blanks turned in a lathe, of the exact size in every respect as a Birmingham shilling, afterwards silvered over by a particular operation used in colouring metal buttons; they are then rubbed over with cream of tartar and blacking, after which they are sit for circulation.

These shillings do not cost the makers above one half-penny each: they are sold very low to the smashers or utterers who pass them where they can, at the full nominal value, and when the silver wears off, which is very soon the case, they are sold to the Jews as bad shillings, who generally resell them at a small profit to customers, who recolour them, and very soon bring them again into circulation. The profit is immense from the trisling value of the materials; but the circulation on account of the danger of discovery is not yet very extensive. It is however to be remarked, that it is a new species of coinage recently introduced.

The fourth class of counterfeit filver-money is known in the trade by the name of Castings or Cast Goods. This is a species of work which requires great skill and ingenuity, and on this account it is confined

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to few hands, for none but excellent artifts can attempt it, with any prospect of great success.

The process is to melt blanched copper, and to cast it in moulds, having the impression, and being of the size of a crown, a half-crown, a shilling, or a sixpence, as the case may be; after being removed from the moulds, the money thus formed is cleaned off, and afterwards newly silvered over by an operation similar to what takes place with regard to buttons.

The counterfeit money made in imitation of shillings by this process, is generally cast so have a crooked appearance, and the deception is so admirable, that although intrinsically not worth one half-penny, by exhibiting the appearance of a thick crooked shilling, they enter into circulation without suspicion, and are seldom resused while the surface exhibits no part of the copper, and even after this the itinerant Jews will purchase them at three-pence each, which is six times their intrinsic value, well knowing that they can again be recoloured at the expence of half a farthing, so as to pass without difficulty for their nominal value of twelve pence.

The profit therefore in every view, whether to the original maker, or to the subsequent purchasers, after having lost their colour, is immense.

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In fabricating this species of base money, the workmen are always more secure than where presses and dies are used, because upon the least alarm, and before any officer of justice can have admission, the counterfeits are thrown into the crucible; the moulds are destroyed; and nothing is to be found that can criminate or convict the offender: on this account the present makers of cast money have reigned long, and were they careful and frugal, they might have become extremely rich; but this rarely falls to the lot of men who live by acts of criminality.

The fifth and last species of base coin made in imitation of silver-money of the realm, is what is called Figs or Fig Things. It is a very inferior fort of counterfeit money, of which composition however the chief part of the sixpences now in circulation are made. The proportion of silver is not, generally speaking, of the value of one farthing in half a crown, although there are certainly some exceptions, as counterfeit sixpences have been lately discovered, some with a mixture, and some wholly silver: but even these did not yield the makers less than from 50 to 80 per cent, while the profit on the former is not less than from sive hundred to one thousand per cent, and sometimes more.

It is impossible to estimate the amount of this base money which has entered into the circulation of the country during the last twenty years: but it must be immense, immense, since one of the principal coiners in the flat way who has lately lest off business, and made some important discoveries, acknowledged to a Magistrate of Police, that he had coined to the extent of two bundred thousand pounds sterling in counterseit balferowns, including other base silver money, in a period of seven years, which is the less surprising, as two persons can stamp and finish to the amount of from 2001. to 3001 a week.

Of the Copper Money made in imitation of the current coin of the realm, there are a number of different forts which are fold at various prices, according to the fize and weight; but in general they may be divided into two kinds, namely the stamped and the plain half-pence, of both which kinds immense quantities have been made in London; and also at Birmingham, Wedgbury, Bilston, and Wolverhampton, &c. *

The plain half-pence are generally made at Birmingham, exhibiting an appearance in point of thickness, which proves a wonderful deception, notwithstanding

^{*} A fpecies of base Copper money made aubolly of Lead has been lately circulated in considerable quantities, coloured in such a manner as even to deceive the best judges. They are generally of the Reign of George II. and have the exact appearance of old Mint halfpence.

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they are fold by the coiners to the large dealers at about a farthing each, or 100 per cent. profit in the tale or aggregate number: but these dealers who thus purchase in wholesale are not the utterers; but sell again by retail in what is called pieces, or five sollling papers, at the rate of from 28s. to 31s. for a guinea, to smallers and persons in different trades, both in the metropolis and the country towns, who pass them in the course of their business at the full import value.

Farthings are also made in considerable quantities, chiefly in London, but so very thin that the profit upon this species of coinage is much greater than on the half-pence, though in this instance these counterfeits are not now, as formerly, made of base adulterated metal. The copper of which they are made is generally pure. The advantage lies in the weight alone, where the coiners, sellers, and utterers do not obtain less than 250 per cent. A well known coiner has been said to sinish from sixty to eighty pounds sterling a week. Of half-pence two or three perfons can stamp and sinish at least to the nominal amount of two hundred pounds in six days.

When therefore it is confidered that there are not less than forty to fifty coinages or private mints, almost constantly employed, in London and in different country towns, in stamping and fabricating base filver and copper money; the evil may truly be said to have arrived at an enormous height. It is indeed

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true that these criminal people have been a good deal interrupted and embarrassed of late, by detections and convictions; but while the laws are so inapplicable to the new tricks and devices they have resorted to, these convictions are only a drop in the bucket; and indeed it is no unusual thing for the wise and samily of a culprit, or convicted seller of base money, to carry on the business, and to support him luxuriously in Newgate, until the expiration of the one year and day's imprisonment, which is generally the punishment inslicted by law for this species of offence.

It has been already stated, in the introductory part of this Treatise, (page 19) that trading in base money has now become as regular and systematic as any fair branch of trade:—

Certain it is that immense quantities are regularly fent from London to the camps during the season, and to customers at the sea-ports and manufacturing towns, who again sell in retail to the different tradesmen and others who pass them at the sull import value.

In this nefarious traffic a number of the lower order of the Jews in London affift the dealers in an eminent degree, particularly in the circulation of bad half-pence.

It has not been an unufual thing for feveral of these dealers to hold a kind of market, every morning, where from forty to fifty Jew boys are regularly supplied

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plied with counterfeit half-pence, which they dispose of in the course of the day in different streets and lanes of the metropolis, for bad shillings, which they generally purchase, as has been already stated, at 3d. each, in exchange for base copper, always taking care that the person who cries bad shillings shall have a companion near him with the half-pence and the unclipt shillings (which are purchased) so as to elude the detection of the Officers of the Police, in the event of being searched.

These Jew boys will generally clear from five to seven shillings a day, by this fraudulent business, which they almost uniformly spend, during the evening, in riot and debauchery, returning pennyless in the morning to their old trade.

The bad shillings thus purchased (by these Jew boys) are received in payment by their employers for the bad half-pence, at the rate of four shillings a dozen, and generally re-sold by these employers to smalbers, at a profit of two shillings a dozen, who speedily re-colour them, and introduce them again into circulation, at their sull nominal value.

Thus it is that the frauds upon the public multiply beyond all possible conception, by the devices and criminal manœuvres already explained, while the innocent tradesman who thus fells his counterfeit shillings to Jew boys at three-pence each, little suspects that it is

for the purpose of being returned upon him again at the rate of twelve pence, or 300 per cent. profit to the purchasers and utterers.

But these are not the only criminal devices which the coiners and dealers, as well as the utterers of base money, have recourse to, for the purpose of cheating and defrauding the public.

Counterfeit French half crowns and shillings of excellent workmanship have been lately introduced and mixed with the British base coin, with a view to deceive the public, and to elude the punishment of the law.

Fraudulent die finkers are to be found both in the metropolis and in Birmingham, who are excellent artists, able and willing to copy the exact similitude of any coin, from the British guinea to the sequin of Turkey, or the star pagoda of Arcot. These criminal delinquents have therefore every facility they can wish for, while their accurate knowledge of all circumstances relative to the deficiency of the laws, and where the point of danger lies, joined to the extreme difficulty of detection, operates as a great encouragement to this species of treason, selony, and fraud, and may be assigned as a very forcible reason why these pests of society have so increased and multiplied of late years.

An opinion prevails, founded on information ob-

tained through the medium of the most intelligent of these coiners and dealers, that of the proportion of counterseit money now in circulation, not above one third part is of the species of Flats or composition money, of which from one fourth to one half is silver and the remainder blanched copper.

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The other two thirds being cast or washed money, which is intrinsically worth little or nothing, the imposition upon the public is obvious. Taking the whole upon an average it must be considerably within ten per cent. of a total loss upon the mass of the base silver-money now in circulation, which, if a conclusion may be drawn from what passes under the review of any person who has occasion to receive filver in exchange, must considerably exceed one million sterling! and this too with the miserable prospect of an accession every year until some effectual steps shall be taken to remedy the evil.

Of the Copper Coinage, the quantity of counterfeits now in circulation may be truly faid to equal three fourth parts of the whole, independent of the daily accession; and nothing is more certain than that a very great proportion of the actual counterfeits pass as mint half-pence from their fize and appearance, although they have yielded the coiners a large profit.

In short, nothing can be on a worse sooting than both the silver and copper coinage of this kingdom

at the present period, for at no time can any person minutely examine either the one coin or the other which may come into his possession, in his intercourse with society, without finding a considerable proportion counterfeits.

What therefore must be the situation of the retail dealers, the brewers, distillers, and many other classes of industrious traders, who, in the course of their business, are compelled to receive such money as is in circulation?*

The burden is not only grievous beyond expression to those who have no alternative but to take such base money in payment: but this pressure extends indirectly to the poor, in as much as the diminished value of such coin arising from its reduced or base quality, taken in connection with the quantities thrown into circulation, tends to enhance the price of the first articles of necessity.

* It is fincerely to be regretted that any difficulties should have arisen relative to the adoption of a Copper Coinage, similar to the beautiful and masterly specimens which were sabricated in the year 1790, and tendered to Government by that excellent Artist, and useful and valuable Man—Mr. Bolton, of Birmingham.

Such a Coinage, while the expence at that time when Copper was low, would have been very moderate, must have remedied completely all those evils which have proved such a pressure upon the Commerce of the Country both before and since that period. n

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The labourer, the handicraft, and the working manufacturer, being generally paid their weekly wages, partly in copper money of the present depreciated value;—it is obvious that they must obtain less than they would otherwise receive, were the coin of a higher standard, for the retail dealers who furnish the poor with food, must shield themselves, at least in part, against the unavoidable losses arising from base money by advancing the prices of their various commodities.

Nor are fuch advances made upon a principle which cannot be defended, fince it is evident that the relative value even of the Mint copper coin to gold or filver is nearly twice its intrinsic value, and while such copper money cannot be paid into the receipt of His Majesty's Exchequer, or received in payment by the officers of the revenue, the burden and loss of a diminished coin falls entirely upon the traders (who are compelled to receive such money) and upon the labourers and mechanics through whose medium it is chiefly circulated.

While the disproportion thus stated between the denominative value of copper and silver-money is so very great, it is evident that the legal coinage of copper must produce an immense profit, seeing that one pound of copper estimated at 15 pence * will make as many half-pence of the legal coinage as pass for two shillings.

^{*}A few years ago sheet-copper was as low as 11 d. a pound, and will probably be again at the same price on the return of Peace.

This fact plainly shews the vast temptation which is held out to those who carry on the counterfeit coinage, where the profit from the coiner to the dealers, and from these dealers to the utterers at the full denominative value, must be in many instances from two to three hundred per cent. and when to this circumstance is added the security which the desiciencies in the present laws hold out, it operates as a kind of bounty to these fraudulent people, who cannot resist the prosecution of a trade where the profit is so immense, and where a coinage equally pure and beavy as the mint standard would even be extremely productive.

In every view the evil arifing from base money of every denomination appears to be of the greatest magnitude—while its extent will scarce be credited by those who have not turned their attention very minutely to the subject.

The trade of dealing in base money acquires its greatest vigour towards the end of March, for then the Lotteries are over, when Swindlers, Gamblers, Pretended Dealers in Horses, Travellers with E. O. Tables, and Hawkers and Pedlars go into the country, carrying with them considerable quantities of counterfeit silver and copper coin, by which they are enabled, in a great degree, to extend the circulation by cheating and defrauding ignorant country people.

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It is in the fpring season too, that the dealers in base money begin to make up their orders for the different country towns, and it is supposed upon good grounds, that there is now scarce a place of any consequence all over the kingdom where they have not their correspondents; and it is also a fact well established, that these correspondents come regularly to the metropolis, and also go to Birmingham once or twice a year for the purpose of purchasing base money.

It very feldom happens, on account of the great demand, (especially of late years) that the dealers have ever any considerable stock on hand. The base money is no sooner finished, than it is packed up and sent to customers in town and country; and with such rapidity has it been fabricated, on occasions of pressing emergency, that a single dealer has been known to procure from the coiners who worked for him, from £300. to £500; for country orders, in the course of the week!

The lower ranks among the Irish, and the Jews, are the chief supporters of the trade of circulating base money in London;—there is said to be scarce a low Irish labourer who does not exchange his week's wages for base money, taking a mixture of shillings, fix-pences, and copper.

The Jews principally confine themselves to the coinage and circulation of copper; while the Irish I women

women are the chief utterers and colourers of base filver. A vast number of these low semales have acquired the mischievous art of colouring the bad shillings and six pences, which they purchase from the Jews, who, (as has been already mentioned) obtain these by employing boys to cry bad shillings, and by making the purchase wholly with counterseit half-pence.

It is fomewhat fingular that among the fraudulent Jews, although many cases occur where they appear to be coiners of copper money and dealers to a great extent; yet scarce an instance can be adduced of these people having any concern in the coinage or in the colouring of base silver, neither are they extensive dealers in any other base money but copper.

They indeed deal largely in foreign coin, counterfeited in this country, having been the chief means by which Louis d'Ors, Half Johannes, as well as various filver coins, made of base metal, have been sent out of this country. It is through the same channel that the Sequins of Turkey were coined; and also the Pagodas of India. This last coin has been made for a considerable number of years by one individual only, who sells them at 5d.* each, while the dealers, by disposing of them afterwards at 2s. 3s. and 5s. find it a very lucrative branch of trade, although unquestionably a very fraudulent one.

In contemplating and in developing the causes of the vast accumulation and increase of base money, which, by means of fraud and deception, has deluged the country of late years, it will be found chiefly to proceed from the want of a new coinage:—of laws, applicable to the new tricks and devices practifed by the coiners:—of proper rewards for the detection and apprehension of Offenders;—and of a sufficient sund to ensure the prompt execution of the law by a vigorous and energetic Police, directed not only to the object of detection and punishment of offenders: but also to the means of prevention.

Vigour and energy in the suppression of crimes of every kind, but particularly that of the coinage and circulation of base money, depends much on the zeal and activity of the Magistrate, joined to an adequate pecuniary resource, to enable him to remunerate and reward men who may undertake to risk their persons in the company of desperate and daring offenders, with a view to obtain that species of evidence which will produce a conviction. Without such pecuniary resource, the law, as well as the exertions of the Magistrate, becomes a dead letter: and his efforts for the purpose of promoting the ends of public justice are crippled and lost to the community.

In suppressing great evils, strong and adequate powers must be applied, and nothing can give force and activity to these powers, but the ability to reward liberally

berally men who risk their lives in the public service, either as police officers, or as temporary agents for the purpose of detecting atrocious offenders.*

A fufficient fund, therefore, as well as amended and improved laws, would feem to be indispensibly necesfary for the purpose of remedying the evils and mischies arising from base money; and the following ideas are suggested with a view to this important object.

The coinage laws (except what relates to copper money) which contain the most important regulations in the way of prevention, having been made a century ago, it is not to be wondered in consequence of the regular progress of the evil which was meant to be cured, and the new tricks and devices which have been resorted to, in the progress of one hundred years, that many prominent amendments have become necessary. A consolidation of the whole laws from the 25th of Edward the Third to the 14th of his present Majesty would, perhaps, be the most desirable object, as it would afford a better opportunity of correcting every deficiency, and of rendering this branch of the criminal code concise, clear, explicit,—applicable to the existing evils and to the means of prevention.

^{*} The want of pecuniary resource to reward officers of justice and others, is one of the principal causes, why, among the multitude of coiners and dealers in base money, so very sew, comparatively speaking, have been brought to justice.

For the purpose however of more fully elucidating this proposition, the following apparent desiciencies in the existing laws* must be obvious wherever they are examined.

- 1. Profecutions are at present limited to three months, which may often defeat justice where offences committed in the Country frequently cannot be tried in less than four, five, and in some cases nearly six months. Go The limitation to twelve months would remove the difficulty.
- 2. The words Milled Money seem necessary by the Act of 8 and 9 William IIId. to form the description of Coin similar to the current Coin of the Realm, which requires amendment, inasmuch as a considerable proportion of the coun-

* 25th Edward III. 1st of Queen Mary, 5th, 14th, and 18th of Elizabeth.

These Acts make coining the gold and filver coin of the Realm High Treason;—Misprission of Treason to coin foreign money;—and Treason to diminish or lighten the current Coin.

7th, 8th, 9th, and 10th of William III.

These Acts contain a detail of the principal offences and punishments, upon which prosecutions are founded at present.

7th of Queen Anne.

Allows 600l. a year for profecuting Of-

15th and 16th of George II. Amends fome of the above laws, and establishes new regulations relative to the Copper Coinage.

George III.

Makes further regulations respecting the Copper Coinage, which however, have not been at all effectual.

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terfeit Coin is cast and not milled. The words Milled or not Milled would remove the ambiguity.

- 3. No provision is made in any A&t, and consequently no punishment for the offence of buying base Money to recolour it:—this is a modern device, which of course no existing law reaches.
- 4. Neither is any provision made, and of course, no punishment for the offence of uttering base Money in exchange as well as in payment.
- So No existing law gives any power to Magistrates upon information on oath to search for, or seize counterfeit Coin, in the custody or possession of known Dealers or reputed Utterers; although these Dealers are now the persons (and not the actual Coiners) who keep the base Money: neither is there any power to seize base Money conveying in coaches or waggons going into the country. Under this shelter the Dealers are enabled to hold markets for sale in their houses, where they frequently keep large stocks; and base Money is also sent into the Country without the least hazard of detection or seizure. Surely this should be otherwise regulated.
- 6. No power is given by any existing law, even upon the most pointed information, to search the houses or workshops of Coiners in the night time. Hence it is that detection becomes so difficult, and the evil increases, because the law in some measure shields the offenders from discovery. If in Lottery offences (which are certainly greatly inferior in their enormity to Coining) a power is granted to break open houses in the night time, surely no reason can be assigned why treasonable offences in Coining base Mo-

ney, should not in this respect be on the same sooting. Unless there is a power to search in the night, and suddenly to force open doors or windows, it will be impossible to detect the Makers of Cast-Money.

7. The laws relative to the Copper Coinage, although more modern, have also been found to be extremely defective, and totally inadequate to the object the Legislature had in view.

The A&t of the 11th of his present Majesty indeed makes it selony to sell Copper Money of the similitude of the current Money of the Realm at a less value than the denomination doth import, but the benefit of Clergy not being taken away, and no specific punishment being mentioned, the Offenders are subject only to a year's imprisonment, which proves no check whatever, as their families carry on the business in the mean time; and if they chuse to sell plain Half-pence, or what are called Irish Harps, or to mix them with stamped Half-pence, similar to the current Coin of the Realm, so that the stamped Coin does not exceed the value of what the denomination imports, it is doubtful whether the conviction will not fail.

8. The act above mentioned gives a power to Magistrates to issue their warrants to search in the day time for tools and implements used in the Copper Coinage, (with regard to Silver or Gold Coinage no such power is given) and what is very singular, no punishment whatever can be insticted by any existing law on the owner or proprietor of such tools for making Copper Money, nor upon the person in whose house they are sound; and if when such search is made, there shall be found only plain Half-pence, or Irish Harps, or Half-pence or Farthings varying in the Stamp in any de-

gree from the current Coin of the Realm, so as not to be of the exact similitude, the act in question is deseated, in-assuch as the crime of selony does not attach to offences short of Coining Money of the similitude of the current Coin of the Realm. And hence it is that under all these sences against the punishment of the law, the Coinage of base Copper goes on with impunity; because it is the fault of the parties themselves if ever they permit the law to reach them.

- 9. The laws now in being give no power to feize Counterfeit Half-pence either in the hands of the Dealers who keep a kind of open market at their own houses every morning to fupply Jew Boys who cry bad Shillings, as well as many others in various trades, who become the channels of circulation to a vast extent without risk or inconvenience. Neither does the statute law authorize the apprehension of Jew Boys, who go out every morning loaded with counterfeit Copper, which they exchange for bad Shillings, to be afterwards coloured anew, and again put into circulation.
- Mint Laws, is the want of a proper fund for Profecutions and Rewards, and other expences for detecting Offenders.

 —The act of the 7th Queen Anne allowed £600. for profecuting only, which has never been increased by any parliamentary grant for nearly a century; although the offences, as well as the expence of detection and profecutions have increased at least fix-fold.—In this situation the energy of the Magistrates is checked, and their exertions (as has been already observed) are crippled for want of pecuniary resources, or the means of resunding and rewarding

rewarding those who risque their lives and expend their money in detecting and prosecuting Offenders.

Neither have sufficient rewards been provided for apprehending Offenders against the Mint Laws: The reward of £40. is construed to be limited only to the Conviction of actual Coiners and Clippers of Gold and Silver; and is not allowed to extend to colouring and finishing, as well as a number of other offences connected with making, counterfeiting, and uttering base Money:—the reward for Copper Coin is limited to £10. which is no encouragement to Officers to do their Duty. It would be a great improvement if a liberal Sum were allowed annually by Parliament for detections, prosecutions, and rewards, and to be paid on the report of the Judges who try the offence, according to the merit and trouble of the apprehenders, prosecutors, and witnesses, whether there is a conviction or not.

11. The laws, as they now stand, are quite silent regarding what is called Provincial Copper Coin, or Tokens reprefenting a Half-penny. If a new coinage of Copper Money is not refolved on by Government, it might perhaps be useful to legalize Tokens or Provincial Coins on three conditions. (3 1. That the Copper of which they are made Shall be pure .- 2. That this Coin Shall be at least 50 per cent. heavier than the present Mint Coinage .- 3. That the parties circulating such Coin be responsible to the holders for the value in Gold or Silver when demanded: and shall stamp their names and an obligation to that purpase on the Coins, Tokens, or Medals so iffued by them .- It may also be necessary that fuch persons iffuing Tokens or Medals should take out a Licence for that purpose from the principal Officers of the Mint, as an authority for fuch Coinage, giving bond and fecurity at the same time that such Tokens, Medals, or Prorincial Coin shall be 50 per cent. above the sull weight specified for one Penny, one Half-penny, or one Farthing, as the case may be, and likewise security to be accountable for the circulating value in Gold or Silver.

- and productive at present of many frauds upon the public. The Act of the 14th of Elizabeth, which declared it to be misprission of treason to counterfeit foreign Money, has not been put in force for many years.—Counterfeit French Shillings and Half-Crowns, as well as other foreign Coins, are made of base Metal, and mixed with counterfeit British Coin, to the injury of the public. Foreigners are also cheated, to the disgrace of the National Character. Prohibitions and Restraints, under Legislative Authority, have become absolutely necessary to prevent the Coinage, and the circulation of every kind of counterfeit Foreign Money. The sale, or circulation of which does not seem to be an offence by any existing law.
- 13. The punishments inflicted on the different offences specified in the Coinage Laws, do not seem to be in proportion to the degree of enormity in some instances, while in others, by being too severe, the law is not always put in execution. The sale of base Money (for instance) under the value it doth import, is only punished by a year's imprisonment, although in point of sact, it is well known, that the parties guilty of this offence are the employers of the Coiners, who work for these Dealers as journeymen, subjecting themselves to the punishment of death; while their masters, with whom this high offence originates, and but for whom it would not have been committed, are only punished for a missement.

14. These mischievous agents of the Dealers in base Money, the persons who keep slatting mills, and other machinery, for mixing, preparing, and rolling their metals, for being coined into base Money, are not at present within the reach of punishment by any existing law. Although by mixing the metal and preparing it for the subsequent process of slamping, they are in fact, parties concerned, without whose aid the Coinage could not be carried on.—The chief difficulty is in punishing persons for producing an article which may be turned into coach and harness ornaments, buttons, and many purposes, as well as base Money.—Perhaps a licence and bond from such persons as slatten mixed metals, "that "they shall not work for Coiners under a severe penalty," might prove some check.

But neceffary as these amendments in the mint laws appear to be, it is still to be feared that until a new coinage of silver and copper money shall take place, no legislative restrictions, regulations, or punishments, can produce an effectual cure of this enormous evil, although from the many deficiencies which have been detailed, it is evident a great deal of good may be done immediately in this way.

The coinage of new money is a great state question which may require a fuller consideration; but no doubt can be entertained of the indispensible necessity of such a measure, with regard to silver and copper coin as soon as circumstances will admit.

If to a new coinage of shillings and sixpences, should be added an extensive coinage of silver money of the value

value of *three-pence*, it would prove a great convenience to the public, and remedy fome of the abuses and prefures which arise from the vast quantity of base copper now in circulation.

The nation might also, in one point of view, derive considerable advantages from encreasing the weight of the copper coin, so as to bring it as near as possible to the intrinsic value of the metal of which it is composed.

An arrangement of this fort would not only be the means of effectually preventing counterfeits; but the copper, being a native article produced in the country, might, through the medium of coined money, become a profitable branch of commerce with foreign nations, where even an extensive circulation might be ensured, in consequence of the intrinsic and denominative value being the same, or nearly so.—

This is exemplified in the policy of Sweden, where the copper dollar being so heavy as to answer to sixpence sterling, has long been exported, and forms a considerable, and even a profitable branch of commerce to that nation.

In Russia the Three Copee Piece is very nearly of the weight of fix English half-pence, yet its current value is only a small fraction above one penny sterling;—and thus it is, by issuing no copper coin where the denominative is not in proportion to the intrinsic value, every class

class of dealers who vend the necessaries of life are shielded against loss, and every unnatural rise in the price of provisions for the subsistence of the poor is of course prevented.

This principle scems to have been admitted by the legislature; for when the subject of copper money was under the consideration of the House of Commons, at a period not very remote, the Journals shew that an opinion then prevailed, "that the most effectual means "to secure the copper Coin from being counterfeited, was "that the denominative value of such coin should bear as "near a proportion as possible to the intrinsic value of "the metal of which it was formed *."

It is earneflly to be hoped that this principle will now be followed up, by a new coinage of filver and copper money, joined to improved and amended laws, fo as to shield the honest part of the community against a system of fraud, rapid beyond all example in its growth, and unparalleled as to its extent.

For certain it is, that base Money contributes more to the support as well as to the encrease of the number of those mischievous and abandoned members of the community who exist wholly by different kinds of fraud, than any other device which they pursue, to enable them to live in their present state of idleness and debauchery, and to indulge in luxury and extravagance.

^{*} Journal, House of Commons, Vol. xviii-page 178.

The increase is certainly astonishing, since it is known, that in London and the Country there are 54 actual coiners, and 56 large Dealers, besides, at least 10 Die-sinkers,* whose names, characters, and pursuits are at present perfectly known. But these bear no proportion to the horde of smaller Dealers and Utterers of base Money in the metropolis, and in most of the commercial and manufacturing Towns in the kingdom, whose numbers must amount to several thousands,—who, from being at present nuisances in society, in the constant habit of desrauding the public, might be rendered (by the application of the remedies which are proposed) useful members of the state, by exchanging a life of idleness and crimes, for a course of useful labour and industry.

* Vide page 22.

CHAP.

CHAP. VII.

Reasons assigned why forgeries and frauds must prevail in a certain degree, wherever the interchange of property is extensive, - A considerable check given to the higher class of Forgeries, by shutting out all hopes of the Royal Mercy: - Petty Forgeries have however increased :- The Reasons assigned .- The qualities of a Cheat, Swindler, and Gambler explained .- This mischievous class of men extremely numerous in the Metropolis .- The Common and Statute Law applicable to offences of this nature explained :- The great anxiety of the Legislature to suppress the evils of Gaming: -The Mifery and Wretchedness entailed on many respectable Families from this fatal propensity: -Often arising from the foolish vanity of mixing in what is stiled Genteel Company where Faro is introduced .- Games of Chance stigmatized by the Legislature, encouraged by high founding names, whose houses are opened for purposes odious and unlawful:-The Civil Magistrate called upon by his public duty, as well as by the feelings of humanity, to suppress such mischiefs .- The danger arising from such seminaries when sanctioned by fashionable names .- No probability of any confiderations connected with illegality, or humanity operating as a check, without the efforts of the Magistracy.—The evil tendency of such examples to servants in fashionable Families, who carry

carry these vices into vulgar life; and many of whom, as well as persons of superior education, become Sharpers, Cheats, and Swindlers, from the babits they acquire. -The different classes of Cheats and Swindlers, and the various tricks and devices they purfue, to enable them to live in idleness by their wits .- Sharpers, Cheats, and Swindlers, divided into twenty-one different Classes-1st. Sharpers who become Pawnbrokers. -2d. Sharpers who obtain Licences as Hawkers and Pedlars .- 3d. Swindlers who open shops as Austioneers .- 4th. Swindlers who pretend to discount Bills .-5th. Cheats who fet up Gaming Houses .- 6th. Lottery Insurers of the higher class .- 7th. Sharpers and Swindlers who fet up Fraudulent Lottery Offices .-8th. Itinerant Jews .- 9th. Cheats who fell by falfe Weights and Measures .-- 10th. Swindlers who defraud Tradesmen of Goods .-- 11th. Cheats who take Genteel Lodgings with false Names, &c .- 12th. Cheats who personate former Masters to defraud their Tradesmen .- 13th. Cheats who personate Footmen, and order Goods from Tradesmen .- 14th. Cheats and Sharpers who deceive Perfons from the Country .-15th. Cheats and Sharpers who trick Shopmen and Boys out of Parcels .- 16th. Sharpers who attend Inns to pick up Parcels by various tricks and devices .--17th. Cheats who go from door to door, begging on false Pretences.—18th. Sharpers selling smuggled Goods known by the name of Duffers .- 19th. Female Sharpers who attend Court and Public Places .-- 20th, Female

Female Bankers who lend money to Barrow-Women at 6d. a day for Five Shillings.—21st. Cheats who pretend to tell Fortunes.—Various Remedies suggested.

In a great metropolis, like London, where trade and commerce have arrived at such an astonishing height, and where from the extensive transactions in the sunds, and the opulence of the people, the interchange of property is so expanded, it ceases to be a matter of wonder that forgeries and frauds should prevail in a certain degree:—the question of difficulty is, why the laws and the means of prevention bave not kept pace with the progressive advancement of the Country, so as to check and keep within bounds those fraudulent practices which prevail in so great a degree, and which, in the regular order of the plan of this Work, now falls to be elucidated and explained?

Forgeries of the higher class, so dangerous in a commercial country, by the wise policy of the executive government in shutting out all hopes of the extension of the Royal Mercy to convicts of this description, have received a most severe check, beneficial in the highest degree to the country, and clearly manifested by the trials at the Old Bailey, where offences of this nature certainly do not increase.

But it is to be lamented, that, with regard to petty forgeries and frauds, this is by no means the case, for K they

they feem to multiply and advance with the opulence and luxury of the country: and to branch out into innumerable different shades varying as the fashions of the year, and as the resources for the perpetration of this species of fraud change their aspect.

When those depraved people who (to use a vulgar phrase) live intirely by their wits—find that any of the tricks which they have practised for a certain length of time become stale, (such as pricking the belt for a wager, or dropping the ring,) they abandon them, and have recourse to other devices which are more novel, for the purpose of cheating and defrauding the unwary.

One of the most prevailing of these, at the present moment, is the fraud which is practised upon shop-keepers, tradesmen, publicans, and others, through the medium of petty forgeries, by the circulation of copper-plate notes and bills for small sums, of £5. and £10. the latter purporting to be drawn by bankers in the manufacturing and sea-port towns on different banking-houses in London.

This species of forgery has been recently carried on to a considerable extent, suggested no doubt by the considerable which is established from the extensive circulation of country bankers notes and bills, now made payable in London, by which the deception is, in some degree, covered, and the unwary plundered of their property.

The great quality, or leading and indispensible attributes of a Sharper, a Cheat, a Swindler, or a Gambler, is to possess a genteel exterior, a demeanor apparently artless, and a good address.

Like other more atrocious depredators upon the public, this class (who are extremely numerous) generally proceed upon a reguler system, and study as a trade all those infamous tricks and devices by which the thoughtless, the ignorant, the unwary, and the honest part of the community, who unfortunately come into contact with these adepts in villainy, are defrauded of their property.

The common law has defined the offence of cheating—to be a deceitful practice in defrauding or endeavouring to defraud another of his known right, by means
of some artful device, contrary to the plain rules of common
bonesty.

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The statute of the 33d of Henry the Eighth entered into a more specific explanation of what might constitute such an offence, and fixed the mode of punishment by declaring "that if any person shall falsely or "deceitfully obtain, or get into his hands or possession, any money, goods, &c. of any other person, by colour or means of any false privy token, or counterfeit letter, &c.—he "shall, on conviction, be punished by imprisonment, the pillory, or whipping—saving to the party aggrieved the K 2 "same

" same power of recovering the property as he might have had at common law, &c."

From this remote period, until the 30th of George the Second, the Legislature does not appear to have feen the necessity of enacting any new law applicable to this species of offence.

In the progress however of society and commerce, joined to the consequent influx of riches, producing luxury and extravagance, a larger field opened for cheats and sharpers of every description, insomuch, that the pressure became so great, and the existing laws were found so insufficient, as to render it necessary to provide a legislative remedy.

In applying this remedy, it would feem as if the great increase of a new species of cheating practised by persons known in modern times by the name of Swindlers, had suggested the propriety of defining the offence in a manner more applicable to the advanced state of commerce and society, and of rendering the punishment more severe; for by this act it is declared, that all persons obtaining money, goods, wares, or mer-

" chandize, by false pretences, shall be deemed offenders

" against the law and the public peace; and the Court, be" fore whom any such offender shall be tried, shall, on

" conviction, order them to be put in the pillory, or pub-

" licly whipped, or transported for seven years."

Thus stand the laws at present with regard to swindlers.*—The offence of cheating rather embraces a wider field, as it extends to those artifices by which sharpers and persons of depraved minds obtain money from the ignorant and the unwary, by playing at different games of chance; and hence it is that the laws have provided a variety of additional remedies applicable to this species of offence, which proves the great anxiety of the legislature to suppress an evil which in all ages has been found to be destructive in its consequences with regard to every thing relating to civil economy, and to the peace and happiness of society.

Gaming is the fource from which have fprung up all that race of cheats, fwindlers, and sharpers, whose nefarious practices it is the object of the Author to develope in this Chapter.

So early as the reign of Queen Anne, this abandoned and mischievous race of men seem to have attracted the notice of the legislature in a very particular

^{*} It would feem that there is a deficiency in the act of 30th George the Second, in omitting to add Bank Notes after the word Money, and also Horses, Cattle, Sheep, or other Animals, after goods, wares, and merchandize; fince it has been held that Bank Notes are not Money, nor are horses, cattle, &c. goods, wares, or merchandize, according to legal construction.—An amendment of the law with regard to these objects is the more necessary, as Bank Notes and Horses are, perhaps, more the objects of swindling, than any other species of property, and yet it is doubtful how far they fall within the meaning of any existing statute.

degree, for the act of the oth of Her Majesty, having recited, " that divers leved and diffolute persons live at se great expences, baving no visible estate, profession, or calling, to maintain themselves; but support these exse pences by Gaming only; enacts that any two Justices may cause to be brought before them, all persons within their limits whom they shall have just cause to suspect so have no visible estate, profession, or calling, to maintain themselves by, but do for the most part support them_ se selves by Gaming, and if such persons shall not make the contrary appear to such Justices, they are to be bound to " their good behaviour for a twelvementh, and in default of sufficient security, to be committed to prison, until they " can find the same, and if security shall be given, it will so be forfeited on their playing or betting at any one time, " for more than the value of twenty shillings."

If, in conformity to the spirit of this wise statute, sharpers of every denomination who support themselves, by a variety of cheating and swindling practices, without having any visible means of living, were in like manner to be called upon to find security for good behaviour in all cases where they cannot shew they have the means of subsisting themselves hopestly, the number of these pests of society, under an active and zealous Magistracy, would soon be diminished, if not totally annihilated.

By the 12th of George the Second "the Games of Faro, Hazard, &c., are declared to be Lotteries, sub-

" jetting the persons who keep them to a penalty of two bundred pounds, and those who play to sifty pounds."— One witness is only necessary to prove the offence before any Justice of the Peace, who forfeits ten pounds if he neglects to do his duty:—and by the 8th of George the First, "the Keeper of a Faro Table may be prosecuted for a Lottery, where the penalty is five bundred pounds."

Such has been the anxiety of the legislature to suppress Faro Tables and other games of chance, that the severest penalties have been inslicted, founded on the sullest impression of the pernicious consequences of such practices, and yet to the disgrace of the police of the metropolis, houses are opened under the sanction of high sounding names, where an indiscriminate mixture of all ranks are to be found, from the sinished sharper to the raw inexperienced youth. And where all those evils exist in full force which it was the object of the legislature to remove,

When a species of gambling, ruinous to the morals and to the fortunes of the younger part of the community who move in the middle and higher ranks of life is suffered to be carried on in direct opposition to a positive statute;—furely, blame must attach somewhere!

The idle vanity of being introduced into what is fupposed to be genteel society, where a fashionable name announces an intention of seeing company, has been productive

productive of more domestic misery and more real distress, poverty, and wretchedness to families in this great metropolis, (who but for their folly might have been easy and comfortable,) than many volumes could detail.

A mistaken sense of what constitutes human happines, leads the mass of the people who have the means of moving, in any degree, above the middle ranks of life, into the fatal error of mingling in what is erroneoufly called genteel company, if that can be called fuch where Faro Tables and other games of hazard are introduced in private families: - Where the leaft recommendation (and fharpers spare no pains to obtain recommendations) admits all ranks who can exhibit a genteel exterior, and where the young and the inexperienced are initiated in every propenfity tending to debase the human character, and taught to view with contempt every acquirement connected with those duties which lead to domestic happiness, or to those objects of utility which can render either fex respectable in the world.

To the horde of sharpers at present upon the town, these places of rendezvous surnish a most productive harvest.

Many of this class, ruined perhaps themselves in early life in seminaries of the same description, to which they foolishly resorted, when vanity predominated over prudence and discretion, have no alternative but to sollow follow up the fame mischievous trade, and to prey upon the ignorant, the inexperienced, and the unwary, until they also, see the fatal delusion when it is too late.*

When fuch abominable practices are encouraged and fanctioned by high-founding names, -when fharpers and black-legs find an eafy introduction into the houses of persons of fashion, who assemble in multitudes together for the purpose of playing at those most odious and detestable games of hazard, which the legiflature has fligmatized with fuch marks of reprobation, it is time for the civil Magistrate to step forward: -and to feel, that in doing that duty which the laws of his country impose on him, he is perhaps faving hundreds of families from ruin and destruction, and preserving to the infants of thoughtless and deluded parents that property which is their birth-right: but which, for want of an energetic police in enforcing the laws made for the protection of this property, would otherwise have been lost, leaving nothing to confole the mind but the fad reflection, that with the lofs of fortune, those opportunities (in consequence of idle habits) were also lost of fitting the unfortunate sufferer for any reputable purfuit in life, by which an honest livelihood could be obtained.

In this fituation, the transition from the plain gamefler to the fraudulent one, and from that to every other species of criminality is easily conceived: and it is by

^{*} A most lamentable proof of this, is exhibited in the unhappy case of Mr. Weston, now under sentence of death in Newgate.

no means an unfair conclusion to draw, that this has been the fate of not a few who have been early introduced into these genteel haunts of idleness and vice, who, but for such an education might have become useful members of the state,

The accumulated evils arifing from this fource are faid to have been fuffered to continue from a prevailing idea, that perfons of rank and their immediate affociates were beyond the reach of being controlled by laws made for the mass of the people, and that nothing but capital offences could attach to persons of this condition in life,

If these evils were merely confined to persons of rank and fortune, and did not extend beyond that barrier where no general injury could accrue to so-ciety, there might be a shadow of excuse (and it would be but a shadow) for not hazarding an attack upon the amusements of the great, where the energy of the executive government to controul their economy may be doubtful: but surely in the present case, where the mischief spreads broad and wide, no good Magistrate can or ought to be afraid to do his duty, because a sashionable or high sounding name shall fanction and promote offences of the most mischievous nature to society at large, as well as to the peace, comfort, and happiness of families.

If the exertions of the Magistracy are to be sufpended until the higher ranks see the frivolity, the shameful profligacy, and the horrid waste of useful time, as well as the cruel destruction of decent and respectable families, in that point of view which will operate as an antidote to the evil, it is much to be feared that it must, under such circumstances, become incurable.

But there are other inducements more nearly allied to the occurrences in vulgar life, which render it in a particular degree incumbent on Magistrates to try, at least, whether there is not sufficient energy in the law to control the hurtful vices of the higher, as well as the middling, and inferior ranks of the people, fince the examples of the great and opulent operate fo powerfully among the phalanx of menial fervants they employ, and who carry with them into the lower ranks of fociety that spirit of gambling and diffipation which they have practifed in the course of their fervitude, producing confequences of a most alarming and mischievous nature to the general interest of the community: for, aided by fuch examples, confiderable numbers of perfons attached to purfuits of this kind, become Swindlers, Sharpers, and Cheats, of an inferior class, as well as those of superior talents and education, who, from a spirit of gambling, or from profligacy, become outcasts of fociety, and whose various tricks and devices o obtain the means of living in idleness, and upon the

the industry and property of others, it may now be necessary to explain.

Pawnbrokers*, and bring differace upon the reputable part of the trade by every species of fraud which can add to the distresses of those who are compelled to raise money in this way, for which purpose there are abundance of opportunties.—This Class of Swindling Pawnbrokers are uniformly receivers of stolen goods; and under the cover of their licence do much mischies to the public, which might be prevented, in a great measure, by placing the power of granting licences in the hands of the Magistrates of the division, upon the sooting of public houses, and rendering it necessary for all persons to obtain a Certificate of character before they can obtain such licence, and also to enter into recognizance for good behaviour †.

II. A

* Number of Pawnbrokers within the Bills of Mortality, paying a licence of £ 10. a year,	Perfons 213	£ 2130
Idem, in the Country, paying £ 5. a }	431	2155
Total.	644	4285

⁴ A regulation of this kind is of great importance to the general good of fociety, feeing that the property of the poorest and most distressed part of the community, to the amount of more than half a million sterling, is constantly in the hands of Pawnbrokers

II. A Class of Sharpers and Swindlers also obtain Licences to be Hawkers and Pedlars, under the cover of which, every species of villainy is practifed upon the country people, as well as upon the unwary in the metropolis, and all the great towns in the kingdom, by fraudulent raffles, where plated goods are exhibited as filver, and where the chances are exceedingly against the adventurers; -by felling and uttering base money, and frequently false bank notes, which makes one of the most profitable branches of their trade ;-by dealing in fmuggled goods, thereby promoting the fale of articles injurious to the Revenue, besides cheating the ignorant with regard to the value; -by purchasing ftolen goods for country fale, by which discoveries are prevented, and facilities afforded to common thieves and stationary receivers .-

By purchasing stolen horses in one part of the country and disposing of them in another, in the course of their journies, in accomplishing which, so as to elude detection, they have great opportunities.—By gamb-

in the metropolis alone! and although of all ranks in the community, it is of most consequence that they should be bonest, correct, and even humane characters, (and it is to be hoped many of them are of that description) yet certain it is that any person, even the most notorious rogue or vagabond, who can raise ten pounds to pay for a licence, may at present set up the trade of Pawnbroker, and it is even said that some have got licences who have actually been on board the Hulks!—a thing unavoidable under the present circumstances.

ling with E O Tables at Fairs and Horse-races, and by a number of other devices, which render this class of men great nuisances in society; and point out the necessity of either suppressing them totally, (for in fact they are now no convenience whatever to the public) or to limit the licences only to men of good character, to be granted by the Magistrates on their entering into a recognizance in a certain sum, with one surety for good behaviour, by which the honest part would be retained, to the exclusion of the fraudulent.

Authoneers, and open shops in different parts of the metropolis, with a person at the door, inviting strangers to walk in; where various articles of silver plate and household goods are exposed to sale, made up on a slight principle, and of little intrinsic value, and where affociates, generally denominated puffers, are in waiting to bid up the article to a sum greatly beyond its value, when, upon the first bidding of the stranger, it is knocked down to him, and the money instantly demanded; but the goods, on being carried home and examined, are generally sound to be very different in reality, from what their appearance exhibited, and upon a close examination the fraud is discovered.

Neither the common law, nor the Act of the 30th of His late Majesty, seems to be sufficiently broad and explanatory to include this species of offence, and hence it is that this mode of selling goods continues with

with impunity, and feems to encrease.—It is not, however, meant here to infinuate that all are fraudulent. —It is to be hoped there may be some exceptions, although they may not be numerous. A licence from the Magistrates of the district obliging the parties to find security, would, in a great measure, exclude the fraudulent from this line of business.

IV. A Class of Swindlers who raise money, by pretending to be Discounters of Bills, and Money Brokers, for young men of property, who have lost their money at play, or spent it in expensive amusements, and are obliged to raise more upon any terms, until their rents or incomes become payable; or who have fortunes in prospect, as being heirs apparent to estates, but who require affishance in the mean time.

This class, availing themselves of the credit or the ultimate responsibility of thoughtless and giddy young men, in the eager pursuit of criminal pleasures, and under the influence of those allurements which Faro Tables, under the fanction of titled names, hold out—feldom fail to obtain from them specialties and obligations for large sums of money, upon the credit of which they are enabled, perhaps, at usurious interest, to borrow other sums, or perhaps to discount bills, and thus upon the credit of these unfortunate customers, they supply them with sums of money upon the most extravagant terms.

Another class having some capital, advance money upon bonds, title deeds, and other specialties, or upon the bond of the parties having estates in reversion, by which large sums of money are most unwarrantably and illegally, in this, and by a variety of other tricks and devices, wrested from the dissipated and the thoughtless, which too often entails misery and distress upon them afterwards, as long as they live, or drives them, by utter ruin, to acts of desperation or to crimes.

It would feem as if a law were necessary, pointing at this particular mischies, which is certainly an increasing evil.—Humanity pleads for it; and policy points out the necessity of some more effectual guard against those miseries which it generates; and which could not exist in so great a degree, were it not for the facilities held out by these blood-suckers, in affording pecuniary aid to the young and the inexperienced, to be expended in scenes of debauchery, or for the purpose of gambling.

V. A Class of Cheats who set up Gaming Houses in different parts of the Metropolis, where Sharpers alfemble, and where young men of inexperience are allured for the most mischievous purposes, and after losing their property, are furnished (if known to be men of fortune) by the master of the house, and his associates the sharpers, or the waiters, who accommodate deluded and unfortunate gentlemen merely for the

the purpose of increasing their misfortunes, and cheating them of perhaps the whole of their property.

Such abominable villains ought certainly to be held in the greatest detestation, and the vigilance and exertions of the Magistracy cannot be better employed than in watching narrowly such pests of society, and in putting the law in strict execution against them.

VI. A Class of Sharpers, who take Lottery Insurances, where gambling, among the higher and middling ranks, is carried on to an extent which exceeds all credibility, producing consequences to many private families, of great worth and respectability, of the most distressing nature; and implicating, in this misery, the innocent and amiable branches of such families, whose sufferings, arising from this source, while they claim the tear of pity, would require many volumes to recount; but silence and shame throws a veil over the calamity, while urged by the hopes of retrieving losses or acquiring property, in an easy way, the evil goes on, and seems to increase, in spite of every guard which the legislature has wisely established.

VII. A Class, in general, of very depraved or distressed Characters, who keep unlicensed Insurance Offices, during the drawing of the English and Irish Lotteries; many of whom, during the intervals of such Lotteries, have recently invented and set up private Lotteries, or Wheels, called Little Go's, containing Blanks and

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Prizes, which are drawn for the purpose of establishing a ground for Insurance; by which the sever in the minds of the lower order of the people is kept up, in some measure, all the year round, producing uncalculable mischiefs, in as much as the rage and mania is so rooted, from habit and a spirit of gaming, that no domestic pressure, and no consideration, connected either with the frauds that are practised, or the number of chances that are against them, will operate as a check upon their minds.

In spite of the high price of provisions, and notwithstanding the pressure universally selt by the lower classes of the people, and the care and attention of the legislature in establishing severe checks and punishments for the purpose of preventing the evil of Lottery Insurances, these criminal agents seel no want of customers, since it is plain that their houses and offices are not only extremely numerous all over the metropolis, but in general *high rented*, exhibiting the appearance of considerable expence, and barricaded in such a manner with iron doors and other contrivances, as in many instances to defy the arm of the Law to reach them.

In contemplating this interesting circumstance, with a view to the discovery of the cause of the great encouragement which these Lottery Insurers receive from the lower orders of the community, so as to enable them to support such a certain and enormous expence in house rents, and other heavy disbursements, it would seem

feem that a confiderable proportion of their emolument is to be traced to menial fervants in general, all over the metropolis; but particularly to the pampered male and female domestics in the houses of men of fashion and fortune, who are said, almost without a single exception, to be in the constant habit of insuring in the English and Irish Lotteries.

The class of *menials* being in many instances cloathed as well as fed by their masters, have not the same preffure upon them as labourers and mechanics, who must appropriate at least a part of their earnings to the purpose of obtaining both food and raiment.

With a spirit of gambling, rendered more ardent than prevails in vulgar life, from the example of their superiors, and from their idle and dissipated habits, menial servants enter keenly into the Lottery business, and while ill luck attends them, it is much to be feared that too many are led, step by step, to that point where they lose sight of the moral principle, and impelled by a desire to recover what they have lost, and to raise money for that purpose, they are induced to sell or pawn the property of their masters, wherever it can be pilsered in a little way, and so as to elude detection, till at length this species of peculation, by being rendered samiliar to their minds, too often terminates in more atrocious crimes.

Upon

Upon a supposition that one hundred thousand families* in the metropolis keep two servants upon an average, and that one servant with another insures only to the extent of twenty-sive shillings each, in the English, and the same amount in the Irish Lottery, the aggregate of the whole will amount to HALF A MILLION STERLING.

Aftonishing as this may appear at first view, it is believed that those who will minutely examine into the Lottery transactions of their servants, will find the calculation by no means exaggerated; and when to this are added the sums drawn from persons in the middle ranks of life, as well as from the numerous class of labourers and artisans who have caught the mania; it ceases to be a matter of wonder, that so many Sharpers, Swindlers, and Cheats find encouragement in this great metropolis.

If fervants at large who are under the controul of masters, were prevented from following this abominable species of gambling, and if other expedients were adopted, which will be hereafter detailed, a large proportion of the present race of rogues and vagabonds who follow this infamous trade, would be compelled to become honest, and the poor would be shielded

^{*} It is estimated that in the present extended and improved state of the metropolis, there are 162.000 inhabited houses, supposed to contain about 240.000 families, including lodgers of every description, residing in nearly 8.000 streets, lanes, alleys, courts, and squares.

from the delufion which impels them to refort to this deceitful and fraudulent expedient, at the expence fometimes of pledging every article of household goods as well as the last rag of their own, and their children's wearing apparel, not leaving even a single change of raiment!

This view of a very prominent and alarming evil known to exist from a variety of facts well established, and evinced among others by the pawnbroker's shops overslowing with the goods of the labouring poor, during the drawing of the two Lotteries, must create a strong desire on the part of all masters of families who have servants under their controul, to check this destructive propensity so as to prevent, as far as possible, those distresses and mischies arising from fraudulent insurances, which every person of humanity must deplore; since the misery and loss of property which springs from this delusive source of iniquity, is certainly very far beyond any idea that can be formed of it by the common observer *.

A general

^{*} In consequence of a very accurate enquiry which has been made, and of information derived from different sources, it would appear that fraudulent Lottery Insurances have not diminished.— The Offices are numerous all over the Metropolis, and are supposed to exceed four hundred of all descriptions, to many of which there are persons attached, called Morocco Men, who go about from house to house among their former customers, and attend in the back parlours of Public Houses, where they are met by customers who make insurances.—It is calculated that at these offices (exclusive of what is done at the licensed offices) insurances are made

A general affociation, or perhaps an Act of Parliament, establishing certain regulations, applicable to this and other objects, with regard to menial servants, would be of great use to society.

If a legislative regulation could also be established extending the same fort of restrictions to the members of the different friendly societies situated within the Bills of Mortality, with regard to fraudulent Lottery insurances, above seventy thousand families would be shielded from this delusive mischief, which, in its consequences, has been so fatal to the happiness and

to the extent of eight hundred thousand pounds, which they receive in premiums during the Irish Lottery, and above one million during the English, upon which it is calculated that they make from 15 to 25 per cent, profit.—This infamous confederacy was estimated during the English Lottery of the year 1796, to support about 2000 agents and clerks, and nearly 7500 Morocco Men, including a confiderable number of Ruffians and Bludgeon Men, who were paid by a general affociation of the principal Proprietors of these fraudulent Establishments, who regularly met in Committee, in a well-known public-house in Oxford Market, twice or thrice a week, during the drawing of the Lottery, for the purpose of concerting measures to defeat the exertions of the Magistrates, by forcibly refifting the Officers of Justice in all instances where they could not be bribed by pecuniary gratuities ;-to effect which last purpose, neither money nor pains have been spared: the truth of which can be afcertained by incontestible evidence, and it is much to be feared that too much success has attended these corrupt and fraudulent expedients which have been reforted to with an intention to defeat the operation of the law.

comfort of a vast number of tradesmen and artisans, as well as inferior classes of labourers. *

Such prohibitions and restraints would have a wonderful effect in lessening the profits of the lottery-office keepers, which, perhaps, is the very best mode of suppressing the evil.—At present, the temptation to follow up these fraudulent practices is so great, from the productive nature of the business, that unless some new expedient is resorted to, no well-grounded hope can be entertained under the present system, of lessening the evil in any material degree.

In addition therefore to what has been fuggested as the means of preventing fraudulent insurances being made by menial servants, and the more sober trades-men, artisans, and labourers, who belong to the numerous friendly societies in and near the metropolis, other expedients have occurred to the Author, and some have been suggested by persons well informed on this subject.

The Lottery in itself, if the poorer classes of the people could be shielded from its mischiefs, is certainly a fair resource for revenue, in a country where such a considerable proportion of the higher and middling

^{*} The regulation here alluded to, is this—that every member belonging to a friendly Society should be excluded or expelled, and deprived of all future benefits from the funds of that Society, on proof of his having insured in any Lottery whatsoever, contrary to law;—and that this rule should be general, wherever the Acts of Parliament, relative to friendly Societies, have taken effect.

ranks of life are possessed of large properties in money, which may induce them, through the medium of a Lottery, to contribute to the assistance of the State, what would (probably to the same extent) be otherwise squandered and dissipated, if, by such expedients, the vices of the people were not taxed.

It is a means also of drawing considerable sums of money annually from foreign Countries, which are laid out in the purchase of tickets, beneficial to the Nation.

In many respects therefore, it might be desirable to preserve this source of revenue, if it can be confined to the purchase of Tickets, and to those classes who are opulent among the middling and higher ranks of the people, who, upon the abolition of the Lottery, could not be restrained from squandering their money in another way, where the State would derive no benefit.

The Lottery, on the plan upon which it is at present conducted, is certainly an evil of the utmost magnitude, and perhaps one of the greatest nurseries of crimes that ever existed in any country.—At the close of the English Lottery drawn in 1796, the civil power was trampled upon and put to defiance in a most alarming and shameful manner, disgraceful to the police of the metropolis. It arose from a pre-concerted plan, formed and executed by a set of miscreants, composed chiesly of the more opulent part of the fraudulent insurers, for the purpose of alarming and terrifying those

those officers of justice (with whom, by pecuniary gratuities, they could not previously make their peace) by the threatenings of bired russians and bludgeon men, whom they employed and furnished with arms to resist the civil authority, and even to commit murder, if attempts should be made to execute the warrants of the Magistrates.

Such is the alarming height to which the audacity of these cheats and swindlers has gone.

Their profits were faid to be immense beyond all former example, during the Lottery drawn in Spring, 1796, and of course, the poor were never in a greater degree plundered.

At no period will there be so much occasion for the exertions of the Magistracy, as during the Irish Lottery of 1796, and the British drawn in 1797: but by this energy, opposed as it will be, by a system both of corruption and of force unexampled in sormer times, no proper check can be given, until by new legislative regulations, some more effectual remedy is applied.

The following are the expedients that have been fuggested to the Author, and have partly occurred to himself, which, with the affistance of a superintending, energetic, and well-regulated police, it is to be hoped, might be the means of greatly abridging this enormous

evil,

evil, and of fecuring to Government the same annual revenue which is at present obtained, or nearly so.

- 1. That the numbers of the tickets to be placed in the Lottery Wheels shall not be running numbers, as heretofore used; but shall be intermediate and broken, thereby preventing insurances from being made on specific numbers, from the impossibility of its being known to any but the holders of tickets what particular ticket at any time remains in the wheel.
- 2. That all persons taking out licences to sell Lottery Tickets, shall (instead of the bond with two sureties for one thousand pounds, to be granted by the act of the 22d George 3. cap. 47.) enter into a bond also with two sureties, for £5000.—which sum shall be forfeited, on due proof that any person, so licensed, shall have directly or indirectly, been concerned in taking insurances contrary to law, or in setting up, or being connected in the profit or loss arising from any illegal insurance office, or in employing itinerant Clerks, or what are called Morocco Men, to take insurances for account of persons so licensed.
- 3. That befides the above-mentioned bond, all licenfed Lottery Office Keepers shall, previous to the drawing of each Lottery, make oath before a Magistrate, that they will not, in the course of the ensuing Lottery, be concerned either directly or indirectly, in setting up any illegal offices for the sale of tickets, or insurance of numbers contrary to law: which affidavit shall be recorded, and a certificate thereof shall be indorsed on the licence, without which it shall not be legal. And which affidavit may be produced in evidence, thereby, in the event of conviction, subjecting the offenders to the punishment

punishment attached to perjury, and of course, to the ig-

- 4. That all peace-officers, constables, headboroughs, or others, lawfully authorized to execute the warrants of Magistrates, who shall receive any gratuity, or sum of money from illegal Lottery Insurers, or from any person or persons, in consideration of any expected services in screening such offenders from detection or punishment, shall, on conviction, be rendered infamous, and incapable of ever serving any public office, and may be punished by fine, imprisonment, or the pillory, as the Court, before whom the offence is tried, shall see proper.
- 5. That all persons who shall be convicted of paying money on any contract for the benefit arising from the number of any Lottery Ticket, insured upon any contingency (and not being in possession of the original ticket, or a legal share thereof) shall forfeit £20. for every offence, to be levied by distress, &c.
- 6. That a short abstract of the penalties inslicted by law on persons insuring, or taking illegal insurances in the Lottery, shall be read every Sunday, in all churches, chapels, meeting-houses, and other places of public worship, during the drawing of the Irish and English Lottery respectively, with a short exhortation, warning the people of the consequences of offending against the law, and a copy of the same to be passed up in different parts of Guildhall, and constantly replaced during the drawing of the Lottery; and also at all the licensed Lottery Offices within the metropolis.
- 7. That a reward, not exceeding £50. be paid to any person employed as a clerk or servant in any illegal Lottery Office

fice, who shall be the means of convicting the actual or principal proprietor or proprietors of the said offices, who shall not appear themselves in the management; also, a sum, not exceeding f 40. on conviction of a known and acting proprietor; and a sum, not exceeding f 10. on conviction of any clerk or manager, not being partners.

8. That the punishment to be inflicted on such offenders shall be fine, imprisonment, or the pillory, according to the atrocity of the offence, in the discretion of the Court before which such offenders shall be tried.

VIII. A Class of Cheats of the fociety of Jews, who are to be found in every street, lane, and alley, in and near the Metropolis, under the pretence of purchasing old clothes, and metals of different forts, but whose chief business is to prowl about the houses and stables of men of rank and fortune, for the purpose of holding out temptations to the fervants to pilfer and fleal small articles, not likely to be miffed, which these Jews purchase at about one third of the real value.-It is supposed that upwards of two thousand of these depraved people are employed in diurnal journies of this kind, by which, through the medium of bad money, and other fraudulent dealings, many of them acquire property, and then become Receivers of stolen Goods ;thereby (while their labour produces no benefit to the State) employing themselves in every mischievous device that can render them nuifances in fociety.

It is estimated that there are about twenty thousand Jews in the city of London, besides, perhaps, about five five or fix thousand more in the great provincial and fea-port towns, (where there are at least twenty fynagogues, befides fix in the metropolis;) who exist chiefly by their wits, feeing that the superstitious adherence to a particular mode of living, and to their fabbath, prevents them from placing out their children as fervants, or apprentices, or binding their fons to mechanical employments, or indeed to any ufeful art, by which they can affift in encreasing the national property -instead of which they diminish it by living upon the industry of others, and by establishing a system of mischievous intercourse all over the country, the better to carry on their fraudulent defigns in the circulation of base money,-the sale of stolen goods, and in the purchase of metals of various kinds, as well as other articles pilfered from His Majesty's Dock-yards, and stolen in the provincial towns, which they bring to the metropolis to elude detection, - and vice versa.

Educated in idleness from their earliest infancy, they acquire every debauched and vicious principle which can fit them for the most complicated arts of fraud and deception, to which they seldom fail to add perjury, whenever it can be of use, in shielding themselves or their associates from the punishment of the law.

From the orange boy, and the retailer of feals, razors, glass, and other wares, in the public streets, to the shop-keeper, dealer in wearing apparel, or in filver

and gold, the same principles of action too generally prevail.

The itinerants utter base money to enable them by felling cheap, to dispose of their goods, while those that are stationary, with very sew exceptions, receive and purchase, at an under price, whatever is brought them, without asking questions,

The mischiefs which must result from the increase of this depraved race, arising from the natural course of population, are so obvious, that a remedy cannot be too soon applied, in which little doubt can be entertained of obtaining the affistance of the whole body of the Jews of the higher class, who cannot but view with horror and distress the deplorable condition and growing depravity of so large a proportion of the lower ranks of their own society, and particularly those belonging to the Dutch synagogue, whose want of resource for honest employment not only renders them objects of commisseration, but of serious attention on the part of the legislature.

IX. A Class of Cheats who sell provisions and other articles, by means of false weights and measures, than which nothing requires the affishance of the legislature in a greater degree to shield the poor against the numerous tricks that are practifed upon them, through this medium, by low and inserior shop-keepers and itinerants,

The ancient system of regulating this useful branch of police by the juries of the court leet, having been found ineffectual, and in many respects inapplicable to the present state of society, an act passed the 35th of his present Majesty, to remedy the inconvenience with regard to fraudulent weights; but great difficulties have occurred on account of the expence of carrying it into execution, and also with regard to its answering any useful purpose without amendments.-It would feem that the most simple and obvious as well as the most prompt method of remedying the evil, would be to extend to the Magistrates the same jurifdiction, and establish the same rules with regard to proving both weights and measures, which at present prevail with respect to bread, allowing the expence of removing the weights, and the labour of the persons employed, to be defrayed out of the county rate upon an order of any two Magistrates who should direct the weights and measures within the division or district to be tried.

A fystem so formed could not fail to be carried into execution in a prompt and ready manner, and with the same effect as is done with regard to the bakers, in which case uncalculable benefits would result to the lower ranks of the people at a very small expence.

X. A Class of Cheats and Swindlers who affociate together, and enter into a conspiracy for the purpose of defrauding Tradesmen of their goods.—One of these sharpers generally assumes the character of a merchant;

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with a counting house, and every appearance of business.—One or two affociates assume the appearance of clerks, while others occafionally appear in livery: and sometimes a carriage is set up, where the ladies of the party visit the shops, in the stile of persons of fashion, ordering goods to their apartments.—Thus circumstanced, by a variety of those arts and devices which sharpers have recourse to, goods are obtained on credit, which are immediately pawned or fold, and the produce used as a deception to obtain more, and procure recommendations by offering to pay ready money,—or to discount bills.

When confidence is once established in this way, notes and bills are sabricated by these conspirators, as if remitted from the country, or from foreign parts, and application is made to their newly-acquired friends the tradesmen to affish in discounting them.—Sometimes money and bills upon one another are lodged at the bankers for the purpose of extending their credit by referring to some respectable name for a character.

After circulating notes to a confiderable amount, and completing their fystem of fraud by possessing as much of the property of others as it is possible to do, without risk of detection, they move off, assume new characters, and when the bills and notes are due, the parties are not to be found.

Offences of this fort, where an actual conspiracy

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cannot be proved, which is generally very difficult, are not eafily punished; and it would feem of importance to confider how far frauds and impositions of this fort and others of the fame nature, where the confidence of tradefmen and manufacturers is abused by misreprefentation and falfhood, fhould not be defined in fuch a manner as to render it difficult for the parties to escape punishment.

XI. A Class of Cheats who take genteel lodgings, dress elegantly, assume false names:-pretend to be related to persons of credit and fashion-produce letters familiarly written to prove an intimacy, -enter into conversation, and shew these letters to tradesmen and others, upon whom they have a defign-get into their good graces; purchase wearing apparel and other articles, and disappear with the booty.

This species of offence would be very difficult to reach by any existing law, and yet it is practifed in various shapes in this great metropolis, where tradefmen are defrauded to a very confiderable extent.-Some legislative guards would certainly be very defirable, by extending the description of offences so as to meet this object.

XII. A Class of Cheats, who having been formerly in the service of Milliners, Mantua-Makers, Taylors, and other traders, who have occasion to send to shop-keepers and warehousemen for goods, -- after being discharged from

from such service and getting into the company of sharpers and thieves, while out of place, they teach them how to personate their former employers, in whose names they too frequently succeed in obtaining considerable quantities of goods before the fraud is discovered.

It would certainly be a good rule at no time to deliver goods upon a verbal meffage, and it would be useful if all persons discharging servants, would give notice of it to every tradesman with whom they deal.

XIII. A Class of Cheats who personate Gentlemen's footmen, and order goods to be sent to a genteel lodging, where the associate is in waiting, who draws upon some banker in a distant part of the town for the money; and before the fraud is discovered, the parties are off, and the master transformed into the livery-servant to practice in his turn the same trick upon some other person.

Or if the stratagem of the check on a banker is refused, a country bank-note (the gentleman just being arrived in town) is offered to be changed, which, although a forgery, often succeeds: but if it should also fail, this mischievous class of people from habit and close attention to the means of deception, are seldom at a loss in sinding out some other expedient; and before the fraud is discovered, the parties have changed both residence, name, and apparel, and have assumed an appearance appearance and character totally different from the former.

XIV. A Class of Cheats who affociate systematically together, for the purpose of finding out and making a prey of every person from the country, or any ignorant person who is supposed to have money, or who has come to London for the purpose of selling goods.—It is usual in such cases for one of them to assume the character of a young squire, just come to his estate, to appear careless and prodigal, and to shew handfulls of bank-notes, all of which are false and fabricated for the purpose.

Another personates the guardian of the squire, while a part of the associates pretend to sit down to play, and having won money of the young spendthrist, who appears extremely ignorant and profuse,—the stranger's avarice gets the better of his prudence, and he is induced at length to try his luck:—the result is, that he is soon lest without a penny.

XV. A Class of Cheats who prowl about in all the streets and lanes of the trading part of the metropolis, where shopmen and boys are carrying parcels, where, by means of various stratagems, they find out where the parcels are going, and regulating their measures according to the peculiar information they obtain, they seldom fail by some trick or other, (such as giving the lad a shilling to run and call a coach,) to get hold of the property.—Porters and young men from the

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country

country should be particularly cautioned never to quit any property intrusted to their care until delivered (not at the door) but within the house to which it is directed.

XVI. A Class of Cheats who attend inns, at the time that coaches and waggons are loading or unloading, and by personating porters with aprons and knots, and clerks with pens stuck in their wigs or hair, and by having recourse to a variety of stratagems, according to the peculiar circumstances of the case, aided by their having previously noticed the address of several of the parcels, they seldom sail of success in the general hurry and consusion which prevail at such places, which proves how necessary it is at all times to have one or two intelligent officers of justice, who know the saces of thieves, in attendance while goods are receiving and delivering.

XVII. A Class of Cheats who go from door to door collecting money, purporting to be for a charitable establishment for the benefit of poor children, and other purposes, which money, in place of being so applied, is generally spent in eating and drinking, by the parties who pretend to be thus employed; and the most infamous imposition is thus practised upon the charitable and humane, who are the dupes of this species of fraud in too many instances.

XVIII. A Class of Sharpers who are known by the

name of Duffers, who go about from house to house, and attend public-houses, inns, and fairs, pretending to sell smuggled goods, such as India handkerchiefs, waistcoat patterns, muslins, &c. when by offering their goods for sale they are enabled to discover the proper objects who may be successfully practised upon; and if they do not succeed in promoting some gambling scheme, by which the party is plundered of his money, they seldom sail in passing forged country bank notes, or base silver and copper in the course of their dealings.

XIX. A Class of female Sharpers who dress elegantly, personate women of fashion, attend masquerades, and even go to St. James's, and from their effrontery, actually get into the circle where their wits and hands are employed in obtaining diamonds, and whatever other articles of value capable of being concealed, are found to be most accessible.

The wife of a well-known sharper now upon the town, is said to have appeared at court, dressed in a stile of peculiar elegance: while the sharper himself is supposed to have gone in the dress of a clergyman.—According to the information of a noted receiver, they pilsered to the value of £1700. on the King's birth-day (1795,) without discovery or suspicion.

Houses are kept where semale Cheats dress and undress for public places.—Thirty or forty of these sharpers generally attend all masquerades, in different characters, characters, where they feldom fail to get clear off with a confiderable booty.

XX. A Class of Cheats, or female Bankers, who accommodate barrow-women and others, who sell fish, fruit, vegetables, &c. in the streets, with five shillings a day (the usual diurnal stock in trade in such cases) for the use of which, for twelve hours, they obtain a premium of six-pence when the money is returned in the evening, receiving thereby at this rate, about seven pounds ten shillings a year for every five shillings they lend out!

A police Magistrate, on discovering this extraordi nary species of fraud, attempted to explain to a barrow-woman on whom it was practifed, that by faving up a fingle five shillings, and not laying any part of it out in gin, but keeping the whole, fhe would fave 1.7. 10s. a year, which feemed to aftonish her and to stagger her belief; -but it is to be feared had no effect upon her future conduct, fince it is evident that this improvident and diffolute class of females have no other idea than that of making the day and the way alike long .- Their profits (which are often confiderably augmented by dealing in bafe money, in addition to fruit, vegetables, &c.) feldom last over the day, for they never fail to have a luxurious dinner, and a hot supper, with abundance of gin and porter:-looking in general no farther than to keep whole the original stock, with the fix pence of interest, which is paid over to the female banker in the evening: and a new loan obtained

obtained on the following morning of the fame five shillings again to go to market.

In contemplating this curious fystem of banking, (trisling as it seems to be) it is impossible not to be forcibly struck with the immense profits that arise from it, for it is only necessary for one of these semale sharpers to possess a capital of seventy shillings, or three pounds ten shillings, with sourteen steady and regular customers, in order to realize an annual income of one hundred guineas a year!

XXI. A Class of Cheats who pretend to tell fortunes, and impose upon the credulity of the public, by advertisements and cards, indicating a power from their knowledge of astrology, to foretel future events, and to discover stolen property, or lucky numbers in the Lottery, &c.

The extent to which this mischief goes in the metropolis is almost beyond belief; particularly during the drawing of the Lottery.—Where the folly and phrenzy which prevail in vulgar life lead ignorant and deluded people into the snare of adding to the missortunes which the Lottery occasions, by additional advances of money (obtained generally by pawning goods or apparel) paid to pretended astrologers for suggesting lucky numbers, upon which they are advised to make insurances, and under the influence of this unaccountable delusion they are too often induced to inincrease their risks and ruin their families.

One of these impostors who lived long in the Curtain-Road, Shoreditch, is said, in conjunction with his associates, to have made near £300. a year by practising upon the credulity of the lower orders of the people.—He stiled himself (in his circulating cards) an Astronomer and Astrologer.—That be gave advice to Gentlemen and Ladies on business, trade, contrasts, removals, journeys by land or water, marriages, children, law suits, absent friends, &c. And further, that be calculated nativities accurately.—His see was half-a-crown.

An inftance of mischievous credulity, occasioned by consulting this impostor, fell lately under the review of a Police Magistrate, where a person having property stolen from him, went to consult the conjurer respecting the thief, who having described something like the person of a man whom he suspected, his credulity and folly so far got the better of his reason and reslection, as to induce him upon the authority of this impostor assually to charge his neighbour with a felony, and to cause him to be apprehended.—The Magistrate settled the matter by discharging the prisoner, reprimanding the accuser severely for his folly, and by ordering the conjuror to be taken into custody as a rogue and vagabond.

But the delusion with regard to fortune-tellers is not confined to vulgar life, fince it is known that ladies of rank, fashion, and fortune, contribute to the encouragement of this fraudulent profession in particular, by their visits to a pretended Astrologer of their own sex in the neighbourhood of Tottenham-Court-Road, who, to the difgrace of her votaries, whose education ought to have taught them the folly and weakness of countenancing such gross imposition, finds the practice of it extremely productive. *

The act of the 9 George the Second, cap. 5, punishes all persons pretending skill in any crafty science,—to tell fortunes, or where stolen goods may be found, with a year's imprisonment, and standing four times in the pillory (once every quarter) during the term of such imprisonment. And the act called the Vagrant Act, made the 17th year of the same reign, declares such persons to be rogues and vagabonds, and liable to be punished as such.

It is fincerely to be hoped that those at least who are convinced from having suffered by the gross imposition practised upon the credulity of the people by these pests of society, the pretended fortune-tellers, will enable the Civil Magistrate, by proper informations, to suppress so great an evil.

Innumerable almost are the other tricks and devices which are resorted to by the horde of cheats, swindlers, and sharpers, who insest this metropolis.

* The encouragement which this impostor has received from the weaker part of the semales of rank and fortune in this metropolis, has raised up others who have the effrontery to insult the understanding of the public by advertisements in the Newspapers.

The great increase of commerce, and the confidence resulting from an intercourse so wide and extended, frequently lays men of property and tradesmen open to a variety of frauds, where credit is obtained by subterfuges and devices contrary to the plain rules of common honesty, against which however there is no other remedy but by an action at common law.

If it were possible to look accurately at the different evils arising from fraudulent and swindling practices, so as to frame a statute that would generally reach all the cases that occur whenever the barrier of moral honesty is broke down, it would certainly be productive of infinite benefit to the community; for in spite of the laudable exertions of the society established for prosecuting swindlers, it is to be lamented that the evil has not diminished.—On the contrary, it has certainly nereased, and must continue to do so until the legislature, by an applicable law and by an improved system of police, which shall, by either directly or collaterally attaching to these offences, prove the means of suppressing them.

CHAP. VIII.

Receivers of stolen Goods more mischievous than Thieves: -the latter could not exist without the assistance of the former :- The suppression therefore of Receivers would restore to society, and to bonest industry, a great number who at present live by crimes .- The increase of Receivers of stolen Goods to be attributed to the imperfection of the laws, and to the disjointed state of the police of the metropolis .- The number of common Receivers does not exceed fixty, of whom not above ten are persons of property able to purchase valuable articles .- Thieves, in many instances, settle with Receivers before they commit robberies :- Receivers always benefit more than Thieves: - Their profit is immense:-They are divided into two classes .- The immediate Receivers connected with Thieves, and those who keep shops and purchase from pilferers in the way of trade: - The latter are extremely numerous. - The laws are insufficient effectually to reach either class.-The existing statutes examined and briefly detailed, namely, the 3d and 4th of William and Mary .- The 5th of Anne, 4 George I. 29th and 30th George II. and the 2d, 10th, 21st and 22d of his present Majefly .- Observations on these respective statutes .-Amendments and improvements suggested .- A remedy proposed to ensure their due execution.

AVING in the feven preceding Chapters completed the proposed explanation of the various depredations dations and frauds upon the public, which constitute the aggregate of two millions, one bundred thousand pounds sterling of property, supposed to be embezzled or stolen, in the course of a year in and about this great metropolis: it remains now, in the order of the plan, to examine and follow up the progress of this property from the hands of the thieves, robbers, cheats, and swindlers, to that of the Receivers, or first purchasers of goods stolen or fraudently obtained.

In contemplating the characters however of these different classes of delinquents, there can be little hesitation in pronouncing the *Receivers* to be the most mischievous of the whole, inasmuch as without the aid they afford in purchasing and concealing every species of property stolen or fraudulently obtained, thieves, robbers, and swindlers must quit the trade, as unproductive and hazardous in the extreme.

Nothing therefore can be more just than the old obfervation, "that if there were no Receivers there would be no thieves."—Deprive a thief of a safe and ready market for his goods, and he is undone.

Let the strong arm of the law, and the vigour and energy of the police, be directed in a particular manner against the Receivers; and the chief part of these robberies and burglaries, which are so much dreaded, on account of the acts of violence which attend them, would absolutely cease to exist:—and the resource for plunder

plunder being thus narrowed in so great a degree, robberies on the highway would alone seldom answer the purpose of the adventurer, where the risk would be so exceedingly multiplied, while the advantages were in the same proportion diminished;—the result therefore would be, that in the suppression of the Receivers, the encouragement to become thieves and robbers would be taken away, and the present depredators upon the public must either return to honest labour as useful members of the state, or submit to be starved.

Obvious and desirable however as a measure of this fort would be, it has heretofore never been put in practice, owing to a variety of causes, principally arising from the disjointed state of the police of the metropolis, occasioned by a number of jurisdictions classing with one another, and preventing the full operation of that system of vigilance and energy, which, with the aid of apposite and improved laws and a superintending agency, could not fail either to root out every Receiver of stolen Goods of any consequence, who at present insests the metropolis, or compel them to abandon their mischievous trade.

These observations apply to that class of Receivers alone, who are in immediate connection with the thieves, burglars, and highway robbers;—and who aid and affist them in the purchase and concealment of whatever is stolen.—From the best information that can be obtained their number does not exceed fifty or

fixty in all, of whom not more than ten, (whose names and places of abode are well known) can be faid to be persons of property, who can raise money to purchase articles of value.

Aided by a well-regulated and energetic fystem of police that would pervade the whole metropolis, how easy would it be, by a thousand embarrassiments, to compel these large dealers to abandon the trade? the measure of watching their houses day and night, would cost no great sum, and would embarrass the thieves and burglars more than any other system that could be pursued.

It rarely happens that thieves go upon the highway, or commit burglaries, until the money they have previously acquired is exhausted.—Having laid their plans for new depredations, a negociation is frequently entered upon with the most favourite Receiver, who (to use their own language) is likely to be staunch, and to keep their secrets.—The plan is explained.—Some liquor is drank to the good luck of the Enterprize, and the hour fixed when they are to return with the booty; if plate is expected, the crucible is ready in a small surnace, built for the purpose, instantly to melt it, and arrangements are made for the immediate concealment of the other articles.

There are, however, exceptions to this rule, where the Receivers are not trusted till the booty is acquired, and where it is in the first instance removed to the houses houses of the thieves, or to some of their friends, but it seldom remains longer than may be necessary to obliterate the marks; for money must be procured. All thieves are improvident;—their wants are therefore pressing—they must sell—the Receiver knows this, and makes his own terms;—and he of course enjoys by far the largest share of the profit.

The plunder which is thus purchased, finds a ready vent through the extensive connections of the Jew dealers both in this country and upon the Continent:
—and after what has been stated relative to the aggregate of the plunder in the course of a year, it may be easily conceived that the trade is not only extensive, but that the profit is immense, since it rarely happens (except in the article of plate) that thieves receive to the amount of above one third or one sourch of the value of what is stolen.

The mass of the Receivers of stolen property in and near the metropolis divide themselves into two classes —Namely——

1. The Dealers already mentioned, who are immediately connected with professed and notorious thieves, and who are their principal supporters, especially when apprehended and under prosecution, and without whom they could not carry on the trade. A certain proportion of these have themselves been originally thieves upon the town, acquitted, pardoned, or discharged from the Hulks, who, finding the trade of a Receiver less hazardous and more profitable than

that of a thief, they prefer it, and to conceal the fraud, frequently fet up Chandler's-Shops, Coal-Sheds, Potatoe-Ware-houses, or Old Iron Shops, and not seldom become Masters of Public Houses, that they may appear to have some visible means of obtaining a livelihood. Those who have not been originally thieves generally keep shops in different branches of trade, some of whom are very opulent.

- Wearing Apparel—Ships Stores—Junk, and Handstuff—Buyers, Refiners, and Workers of Gold and Silver—Dealers in Second-hand Furniture, and Building Materials, and that Class of Sharping Pawnbrokers, who have connections with criminal people.*
- These Dealers are extremely numerous, extending to several thousands in the metropolis alone, some of whom are innocent Receivers, not aware that they are purchasing stolen articles:—others, careless Receivers, asking no questions, and purchasing every thing that is offered:—and a large proportion of criminal dealers, who also purchase every thing that is offered in the way of trade, well knowing from the price and other circumstances, that the property has been originally stolen.

As the laws now stand, (numerous and pointed as they appear to be) it has been found from experience, that neither of these classes can be easily reached, and hence it is that they have multiplied in so great a degree, (particularly the small Receivers) within the last twenty years, and have reigned with impunity, affording every kind of facility to pilferers and thieves of

every description, from the infant to the adult, to the destruction of the morals of a vast body of the lower orders of the people.

For the purpose of suggesting an effectual legislative remedy, it may be necessary to examine shortly the laws now in being, which are applicable to this particular offence.

By the Statute of the 3d and 4th of William and Mary, Cap. 9, it is enacted, "that Receivers of stolen Goods, knowing them to be stolen, shall be deemed accessaries after the fact."—

But this offence being dependent on the fate of the principal—a Receiver, thus circumstanced, couldnot be tried 'till after the conviction of such principal, so that however strong and conclusive the evidence might be, the Receiver was still safe, unless the thief could be apprehended—and even if apprehended and put upon his trial, if acquitted through any defect of evidence, the Receiver, although he had actually consessed the crime, and the goods found in his possession, could be proved to have been stolen, must be acquitted also;—and this offence, even if completely proved, applied only to capital selonies and not to petty larceny.

These desects were afterwards discovered, and partly remedied by the Statute of the 5th Queen Anne, Cap. 21, which enacts, Buyers and Receivers

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of stolen Goods, knowing them to be stolen, may be prosecuted for a misdemeanor, and punished by sine and imprisonment, though the principal be not previously convicted of selony."

This Act also greatly improved the Laws applicable to this species of offence, by empowering the Court to substitute a corporal punishment instead of sine and imprisonment, and by declaring, that if the felony shall be proved against the thief, then the accessary receives judgment of death; but the benefit of Clergy is reserved.

The pressure still increasing, and these laws being found insufficient, the statute of the 4th of George the First, Cap. 11, enacted, "that Receivers of stolen Goods, knowing them to be stolen, should, on conviction, be transported for fourteen years, and buying at an under value to be presumptive evidence of such knowledge:"—and the same statute makes it felony, without benefit of Clergy, for any person directly or indirectly taking a reward for belping any person to stolen Goods, unless such person bring the selon to his trial and give evidence against him.

But still these amendments proved ineffectual, and not being found to apply immediately to persons receiving stolen lead, iron, copper, brass, bell metal or solder taken from buildings, or from ships, vessels, wharfs, or quays—It was enacted by the 29th of George the Second, Cap. 30. "that the Receivers of such

fuch articles, knowing the same to be stolen, or who shall privately purchase these respective metals, by suffering any door, window, or shutter to be left open between sun setting and sun-rising, or shall buy or receive any of the said metals in a clandestine manner, shall, on conviction, be transported for fourteen years, although the principal felon has not been apprehended or punished. Sec. 1.

The same act empowers one Justice to grant a warrant to search in the day time for such metals suspected to be stolen, as by the oath of one witness may appear to be deposited or concealed in any house or place; and if goods are found, the act goes so far as to empower two Justices to adjudge the person having the custody of the same, guilty of a misdemeanor, if he cannot produce the party from whom he purchased, or give a satisfactory account how they came into his possession, and forfeit forty shillings, &c. Sec. 2.

This act also empowers officers of justice (and watchmen while on duty) to apprehend all persons suspected of conveying any stolen metals, as already described, after sunset or before sun-rise; and if such persons cannot give a good account of the manner by which they were obtained, two Magistrates are in like manner authorized to adjudge them guilty of a misdemeanor, and they forseit forty shillings, &c. Sec. 3.

The persons also to whom such articles are offered for sale or to be pawned, where there is reasonable ground to N 2 suppose

suppose they were stolen, are empowered to apprehend and secure the parties and the materials, to be dealt with according to law. And if it shall appear, even on the evidence of the thief, corroborated by other testimony, that there was cause to suspect the goods were stolen, and that the person to whom they were offered, did not do his duty, in apprehending the person offering the same, he shall be adjudged guilty of a misdemeanor, and forfeit twenty spillings, Sec. 5.—And fo anxious has the legislature been to suppress the evil of stealing and receiving metals, that the 8th Section entitles the actual thief to a pardon on the discovery and conviction of two or more of And the 9th Section fereens from prothe Receivers. secution any person stealing such metals, who shall discover the Receiver to whom the same were delivered, so as a conviction might follow.—But in spite of these numerous and apparently effectual checks, it is to be lamented that the evil increases every day.

On the following year, namely, the 30th of George the Second, another act passed (Cap. 24.) making it lawful for any pawnbroker or any other dealer, their servants, or agents, to whom any goods should be effered to be pawned, exchanged, or fold, which should be sufpected to be stolen, to seize and detain the persons offering the same, for the purpose of being examined by a Justice, who is empowered, if he sees any grounds to apprehend that the goods have been illegally obtained, to commit the persons offering the same to prison for a period not exceeding six days; and if on surther examination, the

fustice shall be satisfied that the goods were stolen, be shall commit the offender to prison, to be dealt with according to law; and although it may, under such circumstances, afterwards appear that the goods in question were fairly obtained, yet the parties who seized the supposed offender shall be indemnissed.

It would have been useful if the principles of the first of these excellent acts had extended to every kind of goods and chattels, borfes, cattle, money and bank notes,* as well as to the metals therein described: but it is to be lamented, that the fystem has not been to look at great features of abuse in the gross, so as to meet every existing pressure at once, and therefore another partial statute was made in the second year of the reign of his prefent Majesty, extending the provisions of the 29th of the late King, to goods, stores, or materials taken from ships in the River Thames, by enacting, " that all perfons purchasing such goods, knowing them to be stolen, or receiving the same in a concealed or clandestine manner between sun-setting and Sun-rising, Shall be transported for fourteen years, although the principal felon be not convicted:" but by the wording of this act, it is doubtful if it applies to receiving goods stolen from vessels not assoat in the River. +

* Vide Page 11.

[†] It has been held in the trial of Moses Pike, at the Old-Bailey, in May 1784, that to steal from a barge aground in Limehouse-Dock, was not within the meaning of the act of the 24th of George the Second, cap. 25. which makes it selony to steal from any vessel or crast upon a Navigable River, &c.

The next statute applicable to the Receivers of stolen Goods, is that made in the 10th year of the reign of his present Majesty, cap. 48. by which it is enacted, "that the Receivers of jewels, gold, silver, plate or watches, knowing the same to be stolen, where such stealing was accompanied by a burglary or highway robbery, may be tried as well before as after the principal felon is convicted, or in, or out of custody, and if found guilty, shall be transported for fourteen years."

Eleven years after the passing of the above-mentioned statute, the legislature, appearing to be impressed with the great extent of the depredations committed by persons stealing pewter pots,* and appearing desirous to punish the Receivers, the statute of the 21st of George the Third, cap. 69. enacts, that every person who shall receive any pewter pot or other vessel, or any pewter in any form or shape whatsoever, knowing the same to be stolen, or who shall privately buy or receive stolen pewter, in a clandestine manner, between sunsetting and sun-rising, shall, on conviction, be transported for seven years, or detained in the House of Correction, at hard labour for a term not exceeding three, nor less than one year, although the principal felon has not been convicted."

In the following Session of Parliament, the statute of the 22d of His Majesty (said to have been framed

^{*} Vide Page 45, where the actual loss to the Publicans in London and the vicinity, is estimated at £55.000. sterling a year!

by an able and experienced Lawyer and Magistrate*) removed many of the imperfections of former statutes, and particularly that which respected Petty Larceny, by enacting, " that where any goods (except lead, iron, copper, brafs, bell metal, or folder) have been stolen, whether the offence amount to Grand Larceny, or some greater offence, or to Petty Larceny only, where the offender has been convicted of Grand Larceny, or some greater offence-every perfon who shall buy or receive the same, knowing them to be stolen, shall be guilty of a misdemeanor, and punished by fine, imprisonment, or robipping, as the Court shall think fit, although the principal be not convicted; and if the felony amounts to Grand Larceny, or some greater offence, and the person committing such felony has not been before convicted, such offender shall be exempted from being punished as acceffary, if the principal shall be afterwards convicted.

This act also empowers one fustice to grant a warrant to search for stolen goods in the day time, on oath being made that there are just grounds of suspicion, and the person concealing the said goods, or in whose custody they are found, shall in like manner be guilty of a misdemeanor, and punished in the manner before-mentioned.

The same act extended the powers granted by former acts relative to metals, to any other kind of goods, by authorizing peace-officers (and also watchmen while on duty) to apprehend all persons suspected of carrying

^{*} Mr. Serjeant ADAIR, then Recorder of London.

stolen goods after sun-setting and before sun-rising, who shall, on conviction, be adjudged guilty of a misdemeaner, and imprisoned, not exceeding six, nor less than three months.

Power is also given by this act to any person to whom goods, suspected to be stolen, shall be offered to be sold or pawned, to apprehend the person offering the same, and to carry him before a fustice.

And as an encouragement to young thieves to discover the Receivers, the same act extends His Majesty's pardon to all persons under sisteen years of age who shall have committed any selony within the benefit of Clergy, and shall (whether in custody or not) discover two or more who have bought or received any stolen goods, so as they may be prosecuted to conviction.

These various acts of Parliament prove how very prominent the evil of receiving stolen goods has been in the view of the legislature.—It is to be lamented however, that a more general and comprehensive view has not been taken of the subject, by substituting, instead of the piece meal system which has been from time to time adopted on suggestions applicable only to particular cases, one general law that should have embraced every object, and remedied every defect in the existing statutes, so as to prevent one of the greatest public wrongs, connected with the system of criminal jurisprudence.

That these laws, numerous and applicable as many of them appear to be, have not been in any degree effectual, is clearly manifested by the unquestionable increase of the evil, even to an extent beyond all calculation.

Under fuch circumstances, where the Receiver is in reality the greatest offender, and even the source from whence most of the burglaries and highway robberies have their origin,—Why should it not be made an original offence? *—Why should not the rewards for detestion, and the punishment on conviction be the same in both cases?

The thief is often a paltry offender in comparison to the Receiver, and not feldom his pupil.

In contemplating the best means of preventing depredations upon the public, the simplest, and perhaps the most effectual mode would be to make a stand at this particular point, by bending the attention wholly to the means of destroying effectually the trade of receiving stolen goods, under the sullest conviction that by accomplishing so valuable a purpose,

* The general rule of the ancient law is this;—that accessaries shall fusier the same punishment as principals.—If one be liable to death, the other is also liable.

BLACKSTONE.

In France, (before the Revolution) the offence of receiving stolen goods was punished with death.

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thieving and fwindling in all its branches would also in a great measure be destroyed.

It is believed, that this object (difficult as it may appear) is attainable, by well-digested applicable laws, and such regulations as would ensure a full and energetic execution.

The importance of a measure of this kind is so immense, that if even a considerable part of one Session of Parliament were employed in devising and legalizing a proper system, it would be time well and usefully spent for the benefit of the country, in as much as it would restore to the nation many thousands, who, instead of living in idleness, and preying upon the labour of others, would themselves be compelled to become industrious, and thereby contribute their share to the resources of the State.

The obvious remedy feems to lie within a narrow compass, and having been partly suggested in the course of this Work, may be summed up under the following heads.——

- I. To confolidate and improve the laws now in being, relative to Receivers of flolen Goods, by an arrangement which shall render the whole clear and explicit, and applicable to all the objects of pressure which have been felt to exist.
- II. To make the following additions, namely-
- 1. To make the receiving stolen Goods an original offence, punishable

punishable in the same manner as the principal felons are punished by law.

- 2. The offence of receiving money, bank-notes, horses, cattle, poultry, or any matter or thing whatsoever, to be the same as receiving goods and chattels.
- 3. The persons committing any selony or larceny to be competent to give evidence against the Receiver, and vice versa, provided that the testimony and evidence of such principal selon against the Receiver, or the evidence of the Receiver against the principal selon, shall not be of itself sufficient to convict without other concurrent evidence, and provided also that the offenders so giving evidence (whether the principal selon or the Receiver) shall be entitled to His Majesty's pardon, and also the reward of £ 10. to £ 50. hereaster mentioned, unless they shall appear to have been found guilty of wilful and corrupt perjury.—By this means the thres will be set against the Receiver, and the Receiver against the thief—and each will be encouraged to discover one another, by pardons and rewards.
- 4. That rewards be paid for the detection and apprehension of Receivers as well as thieves, in all cases whatsoever, according to the discretion of the judge, whether there shall be a conviction or not, which rewards shall not be less than ten and may extend to fifty pounds.
- 5. That all Dealers in Old Metals, Rags, and Handfluff, Second-hand Naval Stores, Second-hand Wearing Apparel, Itinerant Dealers in Wearing Apparel and Metals, Persons heeping Crucibles and Melting Pots, Persons keeping Draught or Truck Carts to remove Metals or Stores, shall be licensed annually by Magistrates, and put under certain regulations, and shall enter into recognizance for good behaviour: and

or perjury, or to any but fuch as could obtain and produce a certificate of good character.*

- 6. That all Publicans, Pawnbrokers, Watchmakers, Buyers of Gold and Silver, Refiners of Gold and Silver, Working and other Silversmiths, Dealers in Second-hand Furniture, Brokers in Second-hand Goods, Dealers in Old Building Materials, Dealers in Dead Horses, and other Animals, and Narrow Weavers dealing in Raw Silk, shall annually make a return to the Magistrates of the district, where they reside, of their names and places of abode, and be subject to a penalty for concealing any stolen goods which may come into their possession, after the same are advertised;—or punished with transportation, if it can be made appear that such goods were purchased at an under-value, knowing them to be stolen. †
- 7. That all drivers of hackney coaches, employed to take fares after twelve o'clock at night, shall be licensed by the Magistrates of the division, and shall enter into recognizance for good behaviour, and shall be obliged, whenever they carry any article of goods, to make a report of the same, on the following morning, to the Magistrate of the district where such hackney coachman resides, if no suspicion arises as to any improper or felonious intention; but in all cases where such felonious intention shall appear, the said coachman to be authorised and required to call the assistance of the watchmen and patroles, and to seize and apprehend the parties, and lodge them and the goods conveying in the hackney coach to the nearest watch-house,

* Vide Chap. II. Pages 50, 51, 52, 53. † Vide Chap. V. Page 110. there to be kept until brought before a Justice, at the Public Office of the district, on the following morning, and although it may ultimately appear that the coachman was mistaken and the parties innocent, yet where it shall be manifest to the Justice that he acted bona fide, he shall not be liable to any prosecution, * and if it shall appear that the goods so conveyed were stolen property, then the coachman will be entitled, whether a conviction shall sollow or not, to a reward of two guineas, and in all cases where a prosecution shall follow, he shall be entitled to such further reward as the Court shall think proper. †

- 8. That all watchmen or patroles who shall appear upon proper proof to connive at the commission of selonies; in the night time, or while on duty, or shall knowingly conceal any selonious removal of stolen goods, or goods suspected to be stolen, and conveying to Receivers' houses in the night time, or before day light in the morning, or while they are upon duty, shall be deemed guilty of a missemeanor, and liable to be imprisoned, whipt, or put in the pillory.—And in all cases where such watchmen or patroles shall observe any goods or other articles con-
- * Vide Act 30. Geo. II. cap. 24, also pages 195, 196, and 197. + Vide Chap. V. Page 107.
- ‡ An Officer of Police who was lately watching the house of a noted Receiver, in St. James's parish, being taken for a thief by the watchman, the latter entered into conversation with him, and naming the Receiver, he told the Officer that he being very liberal and kind to them, they did not disturb any person going to his house, and if he had any thing to carry there, he would step out of sight so as to be able to say he had seen nothing.— It is in this manner the community is treated by many of those who are supported at the public expence, for the avowed purpose of preventing those crimes which they seem to promote.

veyed in hackney coaches, or in any other manner, from twelve o'clock at night to fix o'clock in the morning, from one place to another, they shall report the same to the Justices at the nearest Public Office, in the morning, unless they shall have good grounds to suspect a felonious intention, and that the property is stolen, in which case the goods and all the parties concerned shall be conveyed to the nearest watch-house, for the purpose of being brought before a Magistrate, and such watchmen (acting bona fide) shall not be liable to any prosecution in case of a mistake,* and if a felony shall have been committed, they shall each be entitled to one guinea for their sidelity and trouble, besides their proportion of any suture reward which may be ordered by the Court who shall try the offenders. †

But in the formation of fuch a fystem, care must be taken to secure a regular and perfect execution, by means of a proper superintendance and inspection;—without this, the best laws will remain a dead letter.—Such has been the case in a great measure with respect to several of the very excellent Statutes, relative to Receivers of stolen Goods, which have now been briefly detailed; and such also would be the case with regard to the laws relative to the revenue, if a system had not been established to secure their execution.

If the prevention of crimes is of fo much importance to fociety as to be at least equal to any confider-

^{*} Vide Chap. V. Pages 108, 109, and 110. † Vide Act 30. Geo. II. cap. 24.

ation, connected with partial revenue.—If experience has flewn that after the skill and ingenuity of the ablest lawyers and the most profound thinkers have been exhausted in framing laws to meet offences, which are daily in the progress of being committed; these offences are progressively increasing;—Is it not clear to demonstration that some active principle is wanting, which does not at present exist, for the purpose of rendering these laws effectual?—

This principle of activity is only to be established by the introduction of a system of regulation which shall attach to all classes of dealers, who, in their intercourse with society, are in the train of encouraging, either directly or collaterally, transactions of an inmoral, a fraudulent, or a mischievous nature.

The idea is not new in the fystem of the jurisprudence of the country, since publicans have been long under regulations prescribed by Magistrates, and also since pawnbrokers have been of late years regulated to a certain extent by a particular statute.—Let the same principle be extended to the dealers already mentioned, and let the legislature, profitting by that experience which has manifested the inefficacy of a vast number of penal statutes, without the means of carrying them esfectually into execution, establish such a system of regulation, inspection, and superintendance, as will insure to the public the full benefits arising from good laws administered with activity, purity and discretion.—

Nothing

Nothing can evince in a greater degree the necesfity of inspecting the execution of all laws of regulation where the well being of fociety is concerned, than the abuses which occur with regard to the two classes which have just been mentioned, namely, public houses and fraudulent pawn brokers .-- Many excellent rules are established by the legislature, and the Magis strates; but while it is seldom the interest of the depraved or dishonest part of these two classes to adhere to fuch rules, by what means is the execution to be infured fo as to operate as a complete protection to the public?—furely not by the operation of the law through the medium of common informers, fince independent of the invidious nature of the office, experience has shewn that the public good never enters into the confideration of perfons of this description, who look merely to their own emolument, frequently holding up the penalties as a rod by which money is privately extorted, and the parties laid under contribution, for the purpose of allowing them to continue in the practice of these abuses, which the engine used for this nefarious purpose was meant to prevent.

A fystem of inspection, while it remedied these corrupt practices by preventing the existence of the evil, could only be disagreeable to fraudulent dealers.

The honest and fair tradesmen entering into competition with men who carry on business by fraudulent devices devices, are not upon an equal footing.—Such fair traders who have nothing to dread, would therefore rejoice at the fystem of inspection which is proposed, and would submit to it cheerfully, as having an immediate tendency to shield them from fraudulent competition, and to protect the public against knavery and dishonesty.

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joice at the fystem of inspection white is proposed, and would themit to it cheerfully, as having an immediate

The flate of the Police with regard to the detection of different classes of offenders explained .- The necessity under the present circumstances of having recourse to the known Receivers of stolen Goods, for the purpose of discovering offenders, as well as the property stolen .-The great utility of officers of justice as safeguards of the community.—The advantages to be derived from rendering them respectable in the opinion of the public. -Their powers by the common and statute law are extensive .- The great antiquity of the office of constable, exemplified by different ancient flatutes .- The authority of officers and others explained, in apprehending persons accused of felony .- Rewards granted in certain cases as encouragement to officers to be vigilant: -The statutes quoted, applicable to such rewards, sherving that they apply to eleven different offences .-The fiftem of rewards, as now established, shewn to be radically wrong, exemplified in the detail of 1088 prifoners, charged at the Old Bailey in one year, with 36 different offences, whereof only 9 entitled the apprebenders to any gratuity :-- Improvements Suggested for the greater encouragement of officers of justice .- - 1000 peace officers in the metropolis and its vicinity, of whom only 50 are flipendiary constables .- Little assistance to be expected from parochial officers, while there exists no fund

fund for rewarding extraordinary services.—Great advantages likely to refult from rewarding all officers for useful services actually performed.—The utility of extending the same gratuities to watchmen and patroles.

—Defects and abuses in the system of the watch explained.—The number of watchmen and patroles in the metropolis estimated at 2044:—A general system of superintendance suggested—A view of the Magistracy of the metropolis.—The efficient duty shewn to rest with the City and Police Magistrates.—The inconvenience of the present system.—Remedies proposed.

WHILE the pressure arising from the multiplied public wrongs which have been detailed in the eight preceding chapters, renders a correct and energetic system of police with regard to the detection, discovery, and apprehension of offenders, indispensibly necessary for the safety and well-being of society; it sollows of course, in the order of this Work, to explain bow this branch of the public service is conducted at present—the defects which are apparent, and the means of improving the system.

When robberies or burglaries are committed at present in or near the metropolis, where the property is of considerable value, the usual method is to apply to the City Magistrates, if in London, or otherwise to the Justices at one of the Public Of-

o a fices,*

fices,* and to publish an advertisement offering a reward on the recovery of the articles stolen, and the conviction of the offenders. †

And in many cases of importance, recourse is had to

- * It is a well known fact that many persons who suffer by means of small robberies, as a fraid of the trouble and expence of discovery and prosecution, submit to the loss without enquiry, while others, from being strangers to the laws, and to the proper mode of application, fall into the same mistake, which, by proving a great encouragement to thieves of every class, is of course an injury to the public.—In all cases where robberies are committed, the parties sustaining the loss have only to enquire for the nearest Public Office, and apply there, and state the case to the sitting Magistrates, who will point out the proper mode of detection, and where every affistance, through the medium of constables, will be given for the purpose of recovering the property and apprehending the offenders.—The same affistance will be afforded by the Lord Mayor and Aldermen sitting at the Mansson-house and Guildhall, whenever the offence is committed within the limits of the City of London.
- the had been usual for many years previous to 1752, when robberies were committed, to make a composition of the felony, by advertising a reward to any person who would bring the property stolen, to be paid without asking any questions; but the pernicious consequences of recovering goods in this way, from the encouragement such advertisements held out to thieves and robbers of every description, became so glaring and obvious, that an act passed the 25th year of George II. cap. 36. instituting a penalty of 50l. on any person (including the printer and publisher) who shall publicly advertise a reward for the return of stolen goods, with no questions asked, without seizing the person producing the goods stolen:—or who shall offer to return any pawnbroker, or other person, the money lent thereon, or any other reward for the return of the articles selen.

noted

noted and known Receivers of stolen Goods for their assistance in discovering such offenders, and of pointing out the means by which the property may be recovered, which has on many occasions been productive of success to the parties who have been robbed, as well as to the ends of public justice, for however lamentable it is to think that Magistrates are compelled to have recourse to such expedients, yet while the present system continues, and while robberies and burglaries are so frequent, without the means of prevention, there is no alternative on many occasions but to employ a thief to catch a thief.

It is indeed fo far fortunate that when the influence of Magistrates is judiciously and zealously employed in this way, it is productive in many instances of considerable success, not only in the recovery of property stolen, but also in the detections and punishment of atrocious offenders.

Wherever activity and zeal is manifested on the part of the Magistrates, the peace-officers, under their immediate direction, seldom fail to exhibit a similar desire to promote the ends of public justice.—And when it is considered that these officers, while they conduct themselves with purity, are truly the safe-guards of the community destined to protect the public against the outrages and lawless depredations of a set of miscreants, who are the declared enemies of the State, by making war upon all ranks of the body politic

litic who have property to lose;—they have a fair claim, while they act properly, to be considered as "the civil defenders of the lives and properties of the people."

If it is an honourable profession to repel by force the foreign enemies of the State, why should it not be equally so to resist and to conquer these domestic invaders of property, and destroyers of lives, who are constantly in a state of criminal warfare?

Every thing that can heighten in any degree the refpectability of the office of constable, adds to the security of the State and the safety of every individual of property forming the body politic.

Under fuch circumstances, it cannot be sufficiently regretted that these useful agents, destined for the protection of the public, have been (with a very sew exceptions) so little regarded, and so ill supported and rewarded for the imminent risques which they run, and the services they perform, in the execution of their duty as officers of criminal justice.

The common law as well as the ancient statutes of the kingdom having placed extensive powers in the hands of constables and peace officers;—they are, in this point of view, to be considered as respectable;—and it is the interest of the community that they should support that rank and character in society, which

which corresponds with the authority with which they are invested.—In this case, men of credit and discretion would always be glad to fill such situations, and those pernicious prejudices, which have prevailed in vulgar life, and in some degree among the higher ranks in Society, with regard to thief-takers, would no longer operate, since it is plain to demonstration, "that the best laws that ever were made can avail nothing, if the public mind is impressed with an idea that it is a matter of infamy to become the casual or professional agent to carry them into execution."

This abfurd prejudice against the office of a constable, joined to the miserable encouragement which the major part receive, is one of the chief reasons why unworthy characters have filled such situations, and why the public interest has suffered by the increase of crimes through this particular medium.

The office of constable is as old as the monarchy of England,—and certainly existed in the time of the Saxons.*—The law requires that he should be idoneus homo.—Or in other words, to have honesty to execute the office without malice, affection, or partiality; knowledge to understand what he ought to do; and ability as well in substance or estate as in body, to enable him to conduct himself with utility to the public.

The statute of Winchester, made in the 13th year

of Edward the First (anno 1285) appoints two constables to be chosen in every Hundred; and such seems to have been the attention of the legislature to the Police of the country at that early period of our history, "that suspicious night-walkers are ordered to be arrested and detained by the watch."

The statute of 5 Edward III. (anno 1332) empowers constables "to arrest persons suspected of manslaughter, selonies, and robberies, and to deliver them to the Sheriff, to be kept in prison till the coming of the Justices: and another act of the 34th of the same reign, made anno 1361, empowers Justices, inter alia, "to enquire after wanderers, to arrest and imprison suspicious persons, and to oblige persons of evil same to give security for good behaviour, so that the people may not be troubled by rioters, nor the peace blemished, nor merchants and others travelling on the highways be disturbed or put in peril by such offenders."

By the common law, every person committing a felony may be arrested by any person whatsoever present at the fact, who may secure the prisoner in gaol, or carry him before a Magistrate, †—and if a prisoner thus circumstanced, resists and resuses to yield, those who arrest will be justified by beating him, ‡ or, in case of absolute necessity, even killing him. §

^{*} Winton, chap. 4. + Hale. † Pult. 10, a. & Hale.

In arrefting persons on suspicion of a selony actually committed, common same has been adjudged to be a reasonable cause. *

There are four methods, known in law, by which officers of justice, as well as private individuals, may arrest persons charged with selony.—1. By a warrant of a Magistrate.—2. By an officer without a warrant.

3. By a private person without a warrant.—And 4. By bue and cry. †

When a warrant is received by an officer, he is bound to execute it, so far as the jurisdiction of the Magistrate and himself extends,—But the constable having great original and inherent authority, may without warrant apprehend any person for a breach of the peace: and in case of selony actually committed, he may, on probable suspicion, arrest the selon: and for that purpose (as upon the warrant of a Magistrate) he is authorised to break open doors, and even justified in killing the selon if he cannot otherwise be taken. ‡

All persons present when a selony is committed, are bound to arrest the selon, on pain of sine and imprisonment, if he escapes through negligence of the by-standers, who will (the same as a constable) in such case be justified in breaking open doors to follow such

^{*} Dalton. + Blackstone. ‡ Blackstone.

felon, and even to kill him if he cannot be taken otherwife.*

to a waternable cata

The other species of arrest is called bue and cry, which is an alarm raised in the country upon any selony being committed. This was an ancient practice in use so far back as the reign of Edward the First (1285) by which, in the then infant state of society, it became easy to discover criminal persons slying from justice.

However doubtful the utility of this ancient method of detecting offenders may be in a great metropolis in the present extended state of society, it is plain, that it has been considered as an important regulation of Police so late as the 8th George II. (1735) since it is enacted in that year, that the constable who neglects making bue and cry, forfeits sive pounds, and even the district is liable to be fined (according to the law of Alfred) if the selony be committed therein and the selon escapes.† This however applies more particularly to the country, where the practice cannot fail to be useful in a certain degree.

When a bue and cry is raised, every person, by command of the constable, must pursue the felon, on pain of fine and imprisonment.

^{*} Blackstone. + Blackstone.

In this pursuit also, constables my search suspected houses if the doors be open: but unless the felon is actually in the house, it will not be justifiable to use force; nor even then, unless admittance has been demanded and refused.

Under all circumstances, a constable, even without any warrant, may break open a door for the purpose of apprehending a felon; but to justify this measure, he must not only shew that the felon was in the house, but also that access was denied after giving notice he was a constable, and demanding admittance in that capacity.*

In the execution of the warrant of a Magistrate, the officer is certainly authorised to break open the doors of the selon, or of the house of any person where he is concealed.—The first is lawful under all circumstances, but forcibly entering the house of a stranger may be considered as a trespass, if the selon should not be there. †

Such are the powers with which constables are invested,—and which are, in many instances, enforced by penalties, that public justice may not be defeated.

* Hale. + Hale.

Such

In addition to this, the wisdom of the legislature, as an encouragement to officers and others to do their duty in apprehending and prosecuting offenders, has granted rewards in certain cases, hereafter detailed, namely.

4 Will. & Mary, c. 8, and 6 Geo. I. c. 23.

- ing to conviction every robber on the highway, including the streets of the metropolis, and all other towns, a reward of 40l. besides the horse, furniture, arms, and money, of the said robber, if not stolen property,
- 2. For apprehending and profecuting to conviction every perfon who shall have counterfeited, clipped, washed,* filed, or diminished the current coin, or who shall gild silver to make it pass as gold, or copper as silver:—or who shall utter false money, (being the third offence) or after being once convicted of being a common utterer, &c. a reward of

3. For apprehending and profecuting to conviction every person counterfeiting copper money, a reward in money, of

10 and 11 Will III. c. 23.

6 & 7 Will. & Mary,

Geo. II.

c. 16. and 15 and 162

4. For apprehending and profecuting to conviction every person privately stealing to the value of 5s. from any shop, warehouse, or stable, a Tyburn ticket, average value, about †

In consequence of some doubts which have been started relative to washed money, the reward in this case is not paid, it is confined entirely to the conviction of actual coiners.

† This is a Certificate which may be affigned once, exempting the person who received it, or his immediate affignee, from all offices within the parish or ward where the felony was committed.

—In some parishes it will fell for 251. to 301.—in others it is not worth above 151. to 181. according to local situation.

5. For

Anne, c. 31.	5. For apprehending and profecuting to conviction every person charged with a burglary, a reward of 40l. in money, and a Tyburn ticket, 20l. 6. For apprehending and prosecuting to conviction every person charged with house-breaking in the day time, 40l. in money, and a Tyburn ticket 20l. 7. For apprehending and prosecuting to conviction any person charged with horse stealing, a Tyburn ticket,	60 m
6 Geo. I. c. 23.	8. For apprehending and profecuting with effect a person charged with the offence of compounding a selony by taking money to help a person to stolen goods, without prosecuting and giving evidence against the selon	40
14 Geo. II-c. 6.	for apprehending and profecut- ing with effect a person charged with sheep stealing, a reward of	10
15 Geo. II. c. 23.	{ ing with effect a person charged with stealing cattle, calves, or lambs	10
16 Geo. II.	{ ing with effect persons returning from transportation	20
Th.C	and the slaver different offer	

These rewards apply to eleven different offences, and ought, no doubt, to be a considerable spur to officers to do their duty; but it would seem that there is some radical error in the system, since however atrocious most of those offences are which have been selected at different periods by the legislature as objects of reward, it is extremely doubtful whether it has not, in some degree, tended to the increase of a multitude of smaller crimes which are pregnant with the greatest mischies to society.—It is by deterring men from the commission of smaller crimes (says the Marquis Beccaria) that greater ones are prevented.

If small rewards were given upon offences denominated grand larceny, (which have become extremely numerous) as well as upon several other selonies, frauds, and misdemeanors, which occasion a considerable pressure upon the public, a species of activity would enter into the system of detection, which has not heretofore been experienced.—

While rewards are limited to higher offences, and convistions are the indispensible conditions upon which they are granted, it is much to be feared that leffer crimes are overlooked, and the public subjected, in many instances, to the intermediate depredations of a rogue, from his first starting upon the town until he shall be worth 401.

This fystem of giving high rewards (only on conviction), also tends to weaken evidence, since it is obvious that the Counsel for all prisoners, whose offences entitle the prosecutor and officers to a reward, generally endeavour to impress upon the minds of the jury an idea that witnesses who have a pecuniary interest in the conviction of any offender standing upon trial, are not, on all occasions, deserving of full credit, unless strongly corroborated by other evidences; and thus it is that many notorious offenders often escape justice.

By altering the fystem entirely, and leaving it in the breast of the judge who tries the offence, to determine in his own mind what reward shall be allowed, with a power power to grant or withhold, or to limit and increase the same, according to circumstances connected with the trouble and risk of the parties, whether there is a conviction or not, a fairer measure would be dealt out:—
the public money would be more beneficially distributed, so as to excite general activity in checking every species of criminality; and the impression conveyed often to juries respecting officers giving evidence, who are interested in the rewards, would, by this arrangement, be compleatly done away.

For the purpose of elucidating these suggestions, it may be useful to examine the different offences which constitute the aggregate of the criminal charges made against persons arraigned at the Old Baily, in the course of a year.

With this view the following statement is offered to the consideration of the reader.—It refers to a period of profound peace (as most likely to exhibit a true average) and contains a register of the trials, published by authority, including eight sessions from September 1790 to September 1791, which shews that 1088 prisoners were charged with different offences in that year, and that 711 were discharged upon society! and yet, striking as this may appear, it may be afferted on good grounds, that the following melancholy catalogue (extensive as it seems to be) does not contain an account of above one tenth part of the offences which were actually committed!

6	for Treafons in ma			12.91	1
Salis	A reward in money o		, amounting	for each	, 10 4
81	High-way Robber		oit lo ali	t bris o	CHA
-	A reward (besides th	e highwayn	nan's proper	ty) idem	40
-11	Burglaries	m while	ow, recom	i pilde	17 00
	A reward 401. befide	_		201.	60
	Housebreaking in A reward 401. besides			Josef	60
	Stealing goods to the	-			
931	A. Tyburn ticket walu		•	nop, ac.	
2.113)*	Coining Copper M	Carlo Carlo Carlo Carlo	woerage	dgt_ore	20
3	A reward in money	oney		100	10
17	Horse stealing		100		10
.,	A reward in a Tybur	u sichat an			20
••	Stealing Cattle and		erage value		20
10	A reward in money	энсер			10
" III	Returning from Ti	ansnortation		n in nigh	
higo	A reward in money	amportatio		Marie a	20
	ar reduction money				
193 F	risoners tried for offe	nces entitli	ng the appre	henders	to re-
	wards on convictio				
	rewards or gratuiti				
	trouble and rifque in				
	0	897 Pr	ifoners brou	ght forw	ard
. 10 fc	or Murders	9	Dealing	-	
4	Arfon		tering	base Mo	ney
10	Forgeries	. 1	Sodomy		
2	Piracie	7	Bigamy		
4	Rapes	6	Perjuries		
642	Grand Larcenies	6	Confpira	cies	
32	Stealing privately	3	Fraudule		
	from perfons		rupte		1
897 C	Carried forward	929 C	arried over		

^{*} Grand Larceny is defined to be a felonious and fraudulent, taking away by any person of the mere personal goods of another above the value of twelve tense.

1 Haw. 89.

929 B	Brought over	1016	Brough		rd
13	Shop-lifting under 58.	15	Fran		
16	Ripping and stealing	9	Mif	demear	nors
	Lead	1	Affa	ulting	and cuttin
12	Stealing Pewter Pots		C	lothes	
22	Stealing from furnished	1	Smu	ggling	
	Lodgings	7			Revenue
1	Stealing Letters			Office	rs
1	Stealing a Child	1	Wot	inding	a Horse m
22	Receiving Stolen			cioufly	
22	Goods	38	Affa		
_	Goods				
1016 Carried forward		1088	Total.		
		445	Prifoner	s from	the late
			Sheriffs.		
Ag	gregate number	1533			
Di/	posed of as follows, viz.				
- 3.	Executed -		-		32
	Died				25
	Sent to the Hulks				2
	Transported -		-		517
	Removed to other Prifor	ns			
	Transferred to the new		400		95
	Discharged upon the toy			W.	151
	Dicharged upon the toy	***	-		711

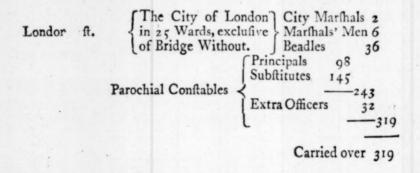
Thus it appears that many very atrocious crimes committed, where officers of justice are entitled to no reward for their trouble in apprehending the offenders.

Receivers of stolen Goods in particular, who are the nourishers and supporters of thieves, and who of all P

other offenders are of that class where the greatest benefit to the public is to arise from discovery and apprehension, seem to be totally overlooked.

If it shall be thought too loose a system to allow rewards not exceeding a certain sum in any one case, to be distributed by the judges who try the offence, perhaps it might be possible to form a scale of premiums from one guinea up to sifty pounds, which, by holding out certain encouragements in all cases whatsoever, might not only excite a desire on the part of men of some property and respectability to become officers of justice, but would create that species of constant vigilance and attention to the means of apprehending every class of offenders, which cannot be expected at present while the rewards are so limited.

The officers of justice, (parochial and stipendiary) who are appointed to watch over the Police of the metropolis and its environs, in keeping the peace, and in detecting and apprehending offenders, amount at present (as near as possible) to 1000 individuals, under five separate jurisdictions, and are arranged as follow:



London, 1st.	Officers, &c.	Brought over	319
Washinston ad	The City and Liberty of Westminster, 9 pa-	High Constable 1	1118
Westminster, 2d.	rishes and 2 precincts	Parochial Constables 70	
		1 1	71
	[D. 10 C	High	
	The Division of Hol- born, in Middlefex,	Conftable r Parochial	
	joining the metropolis,	Constables 78	
	in 13 parishes, liber- ties, and manors	Headboroughs	79
	ten A si A la mangar.	High	
	The Division of Finf-	Constable 1	
	bury, in Middlefex,	Parochial	
Middlefex, 3d.	joining the metropolis,	Constables 68	
	4 parishes and 1 liberty	& —— Headboroughs	69
	The Division called	, incauboloughs	
	the Tower Hamlets,	High	
	including the eaftern	Constable 1	
	part of the metropolis,	Parochial	
	and comprehending 10 parishes, 4 hamlets, 1	Constables 217	
	liberty, and 2 precincts	Headboroughs	218
		The last of the la	
	1	High	was.
***	The liberty of the	Constable 1	
Tower Liber-	Tower of London,	Constables 16	
ty, 4th.	being a feparate jurif-	Headboroughs	
	Carcaon	Treadboroughs	17
	5	High	
	The Division of Ken-	Constable 1	
	fington, Chelfea, &c. comprehending 2 pa-	Parochial Constables	
	rishes and 3 hamlets	&	
	3	Headboroughs	. 22
	(min , m ,)		
Surrey, 5th.	The Borough of South-	High Constable	
	The Borough of Southwark, &c. comprehending 9 parishes.	Constables 87	
	(manage)	-	88
Tot	tal Parochial Officers carrie	d over	883
	P 2		To
			10

Brought over 883

75

To which are to be added the stated officers of police, specially appointed for the purpose of preventing crimes, and of detecting and apprehending offenders.

1. The establishment at Bow-Street, direction of the three Magistrates	
at that Office, vix. Constables	- 8
and (under the direction of W. TON, Esq.) Patroles for the	
	-

2. The establishment of seven Public Offices, by the Act of the 32d of his present Majesty, under the direction of three Magistrates at each Office, viz.

Public Office, Queen Square	Constables	6
Public Office, Marlborough Street,	Idem	6
Public Office, Hatton Garden	Idem	6
Public Office, Worship Street	Idem	6
Public Office, Whitechapel	Idem	6
Public Office, Shadwell	Idem	6
Public Office, Union Hall, Southwa	rk Idem	6

Total Civil force in the Metropolis - 1000

Of these officers the reader will observe, that only fifty (exclusive of thirty-two extra officers in the City of London, and fixty-seven patroles at Bow-Street) are stipendiary officers, particularly pledged to devote their whole time to the service of the public:—and hence a question arises, Whether so small a number

are sufficient for the purpose of watching and detecting the hordes of villains who insest the metropolis, and who must be considerably increased on the return of peace?

Little affistance can be expected from parochial officers, who, depending on their daily labour principally for their support, can afford to devote no more time than is absolutely necessary for the usual parochial duties, during the twelve months they are in office: and the more especially since Magistrates have no power, or funds to remunerate fuch parochial officers for extraordinary exertions in the public fervice, however meritorious they may be: and hence it is, that their zeal and activity are checked in many instances, when a small pecuniary gratuity might render them extremely useful. These facts, joined to the view now given of this particular branch of the fubject, it is earnestly to be hoped, may produce an arrangement of more energy and effect than exists under the prefent fystem.

Officers of justice, who are subjected not only to considerable risks, but also to want of rest, and to the inconvenience of being exposed much in the night time, ought certainly to be liberally paid, so as to make it an object to good and able men to look forward to such situations: but this emolument should, by no means, depend upon a settled annual allowance; but should principally arise from premiums and gratuities, granted

granted by the Judges and Magistrates, for meritorious fervices to the public, actually performed; for which there is that abundant resource, that no fit man, acting as a constable, under such a system, and doing his duty conscientiously, need be under any apprehension of obtaining a very comfortable livelihood.

The invariable rule of rewarding, in every case where it can be made appear that any useful public service has been performed, would have a most wonderful effect in preventing crimes; while, if judiciously and economically managed, the expense need not exceed, in any material degree, the present aggregate of what is disbursed in different ways, in all the branches of the Police and criminal establishment; while such expense might (by an improved system) be defrayed, as well as every other charge, (by the Police itself) from the produce of the licences proposed to be granted for regulating those particular classes of fraudulent dealers, by whose aid and assistance, in supporting thieves and pilserers, such a system is rendered necessary.

Nor should the rewards be wholly confined to officers of Justice, either parachial or stipendiary.—The public good requires that they should extend also to watchmen and patroles, who should have every reafonable encouragement held out to them to be honest and vigilant, by small premiums paid down immediately, for every service they may render the public, either either in detecting or apprehending persons who are guilty of felonies, or other offences against the public peace.

At present, the watchmen destined to guard the lives and properties of the inhabitants residing in near eight thousand streets, lanes, courts, and alleys, and about 152,000 houses, composing the whole of the metropolis and its environs, are under the direction of no less than above seventy different trusts, regulated by perhaps double the number of local acts of parliament, (varying in many shades from one another) under which these directors, guardians, governors, trustees, or vestries, according to the title they assume, are authorized to act,—each attending only to their own particular Ward, Parish, Hamlet, Liberty, or Precinct,* and varying the payment according to local circumstances, and the opulence of the particular district, from 8½d. up to 25. each night.†

The

^{*} There is, in some respect, an exception to this rule, with regard to the City and Liberty of Westminster, and the parishes of St. Clement Danes,—St. Mary le Strand,—The Savoy,—The united parishes of St. Giles and St. George, Bloomsbury,—The united parishes of St. Andrew, Holborn, above the Bars, and St. George the Martyr, and the Liberty of Nassron Hill, Hatton Garden, and Ely Rents;—where by the act of the 14th George IIId. regulations are made applicable to the whole of these Parishes and Liberties, fixing the minimum of watchmen at 323, and patroles at 56 men, for the whole; but leaving the management still to the inhabitants of each respective Parish or Liberty.

[†] The fame act fixes the minimum of wages to watchmen at 1s. a night

The encouragement being, in many inflances, fo fmall, few candidates appear for fuch fituations, who are really, in point of character and age, fit for the fituation; and the managers have therefore no alternative but to accept of fuch aged, and often superannuated, men, living in their respective districts, as may offer their services; which they are frequently induced to do from motives of humanity, to affist old inhabitants who are unable to labour at any mechanical employment, or perhaps with a view to keep them out of the workhouse.

Thus circumstanced, and thus encouraged, what can be expected from such watchmen?

Aged in general;—often feeble;—and almost, on every occasion, half starved, from the limited allowance they receive; and without any claim upon the public, or the least hope of reward held out, even if they performed any meritorious service, by the detection of thieves and receivers of stolen Goods, or idle and disorderly persons: and above all, making so many separate parts of an immense system, without any general superintendance, disjointed from the nature of its organization, it is only a matter of wonder that the protection

night, and patroles 15d.—In the City of London, the falaries given to watchmen vary in each Ward, from 13l. to 18l. 19l. 20l. 21l. 7s. 23l. 8s. up to 26l. and patroles are allowed from 13l. to 35l. and 40l. a year.

afforded is what it really is.*—Seeing that so little encouragement is offered for the purpose of insuring sidelity, under circumstances where such innumerable temptations are held out to dishonesty, by receivers of stolen goods, to the watchmen and patroles in their vicinity, as well as by thieves and housebreakers in all situations where they contemplate the commission of a burglary. †

Money is also received from disorderly persons in the night, to permit them to escape from the just punishment of the laws, while unfortunate semales are laid under contribution, by these nocturnal guardians of the Police, for permitting them to infringe upon those very laws they are destined to put in execution.

Excepting in the city of London, under the jurifdiction of the Lord-Mayor and Aldermen, (where there are, in the 25 wards, 765 watchmen, and 38 patroles) and the Parishes and Liberties combined, by

^{*} This proves how highly meritorious the conduct of the Managers and Trustees of this branch of the Police of the metropolis, must, in many instances, be.—There can indeed be no manner of doubt, but that great advantages arise from thus dividing the labour, where all the benefits of local knowledge enter into the system.—So far as this goes, it ought not to be disturbed—all that is necessary is to consider the metropolis as a great Whole, and to combine the organs of Police which at present exist, in such a manner, by a general superintendance, as to give equal encouragement, and to instill one principle of universal energy into all its parts.

⁺ Vide pages 108, 109, 110, and 205.

the act of the 14th of His present Majesty, it will not be easy to ascertain the exact number employed, by the great variety of different Trusts, in every part of the metropolis; and the more especially as they are in some instances ambulatory: but the following statement is believed to be very near the truth.—

Beadles, Wat	chmen,
and Patro	les.
25 Wards in the City of London	803
11 Parishes, &c. in the City and Liberty of West-	302
13 Parishes, &c. in the Division of Holborn .	377
5 Parishes, &c. in that part of the Division of Finsbury which joins the metropolis	135
17 Parishes, &c. in the Division of the Tower }	268
1 Liberty of the Tower of London	14
5 Parishes and Hamlets, being part of the Division of Kensington, near the metropolis	66
9 Parishes in the Borough of Southwark .	79
Total Watchmen and Patroles	2044*

^{*} Watch-houses (excepting within the limits of the City) are placed at convenient distances all over the metropolis, where a parochial constable attends, in rotation, every night, to receive disorderly and criminal persons, and to carry them before a Magistrate next morning.—In each watch-house also (in case of fire) the names of the turn-cocks, and the places where engines are kept, are to be found.—This circumstance is mentioned for the information of strangers unacquainted with the Police of the metropolis; to whom it is recommended, in case of fire, or any accident or disturbance requiring the assistance of the civil power, to apply immediately to the officer of the night, at the nearest watch-house, or to the watchman on the beat.

Nothing can certainly be better calculated for complete protection than the fystem of a well-regulated stationary watch; and, from the number of persons employed, independent of private watchmen, it would feem only to be necessary to lay down apposite legislative rules, with respect to age or ability, character, wages, rewards for useful services, and general superintendance, and perhaps to add a few horse patroles, in order to establish that species of additional security, which would operate as a more effectual means of preventing crimes,

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Let the fame fystem of moderate rewards also be extended to beadles,* for useful public service actually performed, as is proposed with regard to officers of justice, watchmen, and patroles, and much good will arise to the community, without any great additional expence.

It is in vain to expect that the public can be well ferved, unless the emolument becomes an object to good and able men; but these extraordinary rewards (as has been already observed) should always depend upon the vigilance and exertion of the parties themselves, in detecting offenders of every description, for which, if it appears to the Magistrate that no impropriety or indiscretion has marked their conduct, they

^{*} Beadles are, in many inflances, employed at prefent as local fuperintendants of the watch, within their respective parishes.

should be liberally paid.—But if, on the contrary, they should appear to have acted oppressively or improperly, a power of immediate disinission and punishment should, in all instances, attach to Justices of the Peace, to be exercised according to the nature of the offence.

Having thus stated the civil force of the metropolis, with regard to peace-officers, watchmen and patroles, making an aggregate of 3044 men—it may now be necessary to convey that information relative to the Magistracy, which shall tend to illustrate what remains to be suggested on the subject of improving the Police, in that particular, branch which relates to the preservation of the public peace, and the detestion and apprehension of every class of offenders.

There exist, at present, no less than five separate jurisdictions within the limits of the metropolis—namely——

Magistrates.

- Lord-Mayor, 26 Aldermen, who have an exclusive jurisdiction, within the ancient limits . 26
- a. The City and Liberty of Westminster—where there are upwards of 100 Justices of the Peace, who have jurisdiction only in that particular District, but where the Magistrates of the county of Middlesex have an equal jurisdiction.—The number resident, who are not Magistrates of Middlesex, are supposed to be about

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- 3. That part of the metropolis which is situated in the county of Middlesex, (where there are above 700 Justices, including the Princes of the Royal Family—many of the Nobility—Great Officers of State—Members of Parliament—and other Gentlemen of respectability;)—of those in the commission about 180 have qualified; and of these who have taken out their Dedimus Potestatem, only about 130 reside in or near the metropolis.
- 4. That District of the metropolis lying near, or particularly belonging anciently to the Tower of London, comprehending about 750 houses—where the Magistrates (52 in number) have an exclusive jurifdiction, and hold separate sessions of the peace.—

 The number who are not Magistrates of Middlesex, is
- 5. The Borough of Southwark, and that part of the metropolis adjoining thereto, within the Bills of Mortality—where the City Magistrates have jurif-diction, besides the whole of the Magistrates of the county of Surry—namely—122—but of whom not more than 18 reside in Southwark, and 15 in London, &c. in all 33

Total, 270

31

But notwithstanding the great number of respectable names which are in the different commissions in and near the metropolis, and although all who have qualified have equal jurisdiction with the Police Justices, within their respective districts, yet the efficient duty duty, for the whole of the metropolis, so far as it relates to the detection of offenders, is principally limited to two classes of magistrates—namely——

1.	The 26 Aldermen	of Lond	lon, whose	jurisdiction is
	confined to the	incient lin	nits of the	City, compre-
	hending 25 Was	rds, in wh	nich are 21.	.649 houses on
	the London fide	, and Brid	dge Ward	without, in the
	Borough.		-	-

26

2. The 24 established Magistrates, three of whom prefide at each of the seven public offices, appointed by the Act of the 32d of His present Majesty, viz.

1.	Public Office, Queen Square, Westminster	3
2.	Public Office, Marlborough Street -	3
3.	Public Office, Hatton Garden -	3
4.	Public Office, Worship Street, Shoreditch	3
5.	Public Office, Whitechapel	3
6.	Public Office, Shadwell	3
7.	Public Office, Union Hall, Southwark	3
		21

And also (not included in	the act) at the I	Public
Office, Bow Street		3
		24

Total efficient Magistrates who sit in rotation, daily in the metropolis . 50

The jurisdiction of the Magistrates presiding at the feven Public Offices, not only extends to Westminster and

and Middlefex; (and, in most instances, lately, to the Liberty of the Tower;) but also to the counties of Surry, Kent, and Effex, from which, confiderable advantages in the prompt detection and apprehension of offenders have accrued to the public; and the only difficulty that remains to be removed, with respect to the clashing of jurisdictions, is that which regards the city of London; where, from its contiguity, and immediate and close connection with every other part of the metropolis, confiderable inconveniences are felt, not only from the circumstance of the jurisdiction of the City Magistrates not being extended over the whole of the Metropolis, as well as the four adjoining counties: but also from the Police Magistrates having no authority quickly to follow up informations, by iffuing warrants to fearch for property, and to apprehend perfons charged with offences in the city.-The whole difficulty refolves itself into a mere matter of punctilio, founded perhaps on an ill-grounded jealoufy, or mifapprehension, which a little explanation would probably remove.

Where the object is to do good;—and where not even the shadow of harm can arise, no limits should be set to local jurisdictions, especially where privileges are proposed to be given, (as in this case, to the city of London;)—and where none are to be taken away.

For the purpose of establishing a complete and wellconnected connected fystem of detection, something is necessary, in a greater degree, more closely to unite the City and Police Magistrates, that they may go hand in hand in all matters regarding the general interest of the metropolis and its environs, so as to make the suppression of crimes one common cause, by permitting no punctilio, regarding jurisdiction, to prevent the operation of that united energy in the prompt detection of offenders, which, from the extended state of commerce and society, and the great increase of property, is now rendered a measure in which the inhabitants of the whole metropolis, as well as the adjacent villages, have a common interest, since a pressure is felt affecting all ranks, which calls aloud for the speedy adoption of some effectual remedy.

CHAP.

CHAP. X.

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The prevailing practice explained when offenders are brought before Magistrates .- The necessary caution, as well as the duty of Magistrates, in such cases, explained.—Professed thieves seldom intimidated when put upon their trial, from the many chances they have of escaping.—These chances shortly detailed.—Restections on the false humanity exercised by prosecutors towards prisoners.—Their rudeness and cruelty when engaged in acts of criminality.—The delays and expences of profecutions, a great discouragement, inducing sufferers to put up with their loss, in filence, as the least of the two evils .-- How the inconvenience may be remedied .- An account of the different Courts of Justice, appointed for the trial of offences committed in the Metropolis .- Five inferior and two fuperior Courts .- A statement, shewing the number of prisoners convicted and discharged during the last year. -Reflections on this miserable catalogue of depravity. -- A radical defect some where. -- The great purity of the Judges of England .- The propriety of a co-operation with them, in whatever shall tend to promote the ends of public justice. This object to be attained, in the greatest possible degree, by a prosecutor for the Crown.—The advantages of such an institution developed, in remedying many abuses which prevail in the trial of offenders .- 2500 to 3000 persons committed for trial, by Magistrates, in the metropolis, in the course

course of a Year.—The chief part afterwards returned upon society.—Remedies suggested in the next Chapter.

ARRIVING at that point, in the progress of this Work, where persons, accused of offences, are detected and brought before Magistrates for the purpose of examination, and ultimately to be committed for trial, if the evidence shall be sufficient:—It now remains to explain the prevailing practice under such circumstances.

The task, in this case, imposed upon the Magistrate, is arduous and important, requiring, in addition to great purity of conduct, and a prosound knowledge of mankind, and the common affairs of life, those powers of discrimination which shall enable him to discover how far criminality attaches to the party accused, and whether there are grounds sufficient to abridge for a time, or ultimately to deprive the prisoner of his liberty, until a Jury of his country shall decide upon his sate.

It frequently happens, that perfons accused of crimes are apprehended, when, from a variety of concurring circumstances, no doubt can rest on the mind of the Magistrate as to the guilt of the prisoner; but where the legal evidence is deficient to authorize an immediate commitment for trial.

Under

Under fuch circumstances (while he commits pro tempore) he is called upon in a particular manner to exert the whole powers of his mind by adopting such judicious measures as shall be the means of detecting the offender, by discovering the goods or property stolen, or by admitting such evidence for the Crown as may, with other corroborating testimony, prevent the ends of justice from being defeated.

Where a Magistrate proceeds with indefatigable zeal and attention, and at the same time exercises good judgment, he will seldom ultimately fail of success, for in this case the same spirit will animate the officers under his controul, whose activity and industry are generally in proportion to that which is manifested by their superiors.

And however much every active Magistrate has to regret the desiciency of the existing system, by tying up his hands wherever pecuniary strength is necessary to remunerate those who must occasionally be employed to detect notorious offenders, this circumstance ought not to abate his zeal in any respect, since by perseverance it generally happens at length, that every good and proper arrangement, where it tends to the immediate advantage of the public, is ultimately obtained.

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The Magistrate having done his duty by com-

mitting an offender for trial, and having also bound over the prosecutor and the witnesses as the law directs, to attend the grand jury, and (if a bill be found) to prosecute and give evidence upon the indictment, it would appear to the common observer, that while he is thoroughly satisfied of the guilt of the prisoner, and the sufficiency of evidence to convict him, his case becomes hopeless and forlorn.

This, however, is by no means a stage in the progress that intimidates a professed thies; who seels and knows that although guilty of the crime laid to his charge, he has many chances of escaping, which unquestionably operate under the present system as encouragements to the commission of crimes.

The first hope of the adroit thief is that he will intimidate the prosecutor and witnesses by the threatenings of the gang with whom he is connected—or by compounding the matter, or bribing or frightening material witnesses, so as to keep back evidence, or to induce them to speak doubtfully at the trial, where positive evidence was given before the Magistrate; or, if all should fail, recourse is had to perjury, by bringing the receiver or some other associate, to swear an alibi.

Various other confiderations also operate in strengthening the hopes of common thieves regarding an acquittal, acquittal, partly arifing from the vast numbers who are not found guilty * at every sessions of gaol delivery, and partly from the carelessiness and inattention of prosecutors, who are either unable or unwilling to sustain the expence † of counsel to oppose the arguments and objections which will be offered in behalf of the prisoner, or are sourced by loss of valuable time, experienced, perhaps, in former prosecutions;—or ultimately from a dread which is attached to timid minds, who soolishly and weakly consider themselves as taking away the life of a fellow creature, merely because they prosecute or give evidence, without reslecting

* Vide Chap. V. pages 97, and 98.

+ It is true that by the acts of the 25th Geo. II. and 18th Geo. III. cap. 13, the expences of the profecutors and witnesses are to be allowed, and also (if the parties shall appear to be in poor circumstances) a reasonable allowance shall be made for trouble and loss of time; but this is connected with the regulations of the Juftices, confirmed by one of the Judges of Affize, which vary according to local citcumstances, and it is also necessary to plead poverty, in order to be remunerated for loss of time: but as the poor feldom fuffer by thieves, it would feem to have had little effect in encouraging profecutors to come forward; -and it is believed, few applications are made excepting in cases of real poverty.-The fund, however, which the legislature has thus provided, if oconomically and judiciously applied by a public profecutor, would remove many difficulties without any material addition to the county rates .- In the County of Middlesex there is an exception, where witnesses are directed to be paid by the Overseers of the Poor of the Parish, where the person was apprehended, but this mode of payment is feldom if ever adopted. that

that it is the *law* only that can punish offenders, and not the individual profecutor or witnesses.

False humanity, exercised in this manner, is always cruelty to the public, and not seldom to the prisoners themselves.—All depredations upon property are public wrongs, in the suppression of which every member of the community is called upon to lend his assistance, but particularly those who are the immediate sufferers, as it is through such means only that public justice can operate in punishing those miscreants by whom the innocent are put in fear, alarmed and threatened with borrid imprecations—with loss of life by means of loaded pistols; or bodily injury, from being hacked with cutlasses, or beaten with bludgeons—under circumstances where neither age nor sex is spared—

Is it not the duty of every good man to lend his aid in reftraining and punishing such offensive and criminal members of the body politic?——

Yet experience has fhewn that these arguments, powerful as they are, will neither awaken in the mind of men that species of public spirit which shall induce sufferers in general by robberies of different kinds, to become willing prosecutors under all the trying delays, added to the expence often of bringing a number of witnesses from the country, and keeping them hang-

ing on in a court of justice, perhaps, for several days together.

Such a burden imposed upon the subject, in addition to the losses already sustained, in a case too where the offence is of a public nature, is certainly not easily reconciled with that spirit of justice and attention to the rights of individuals which form so strong a feature in the jurisprudence of the country.

It is to these sources—namely, the unwillingness of prosecutors to come forward, terrified by the trouble and expence, (as has been already observed) that a vast multitude of selonies are concealed, and the loss suffered in silence as the least of two evils, by which means thickes are allowed to reign with impunity, undifturbed, and are encouraged to persevere in their evil practices from the calculations they make with regard to the many chances they have of escaping.

Nothing, it is to be feared, can cure this evil, and establish that general system of protection to all who are plundered in this way, but a vigorous Police strengthened and improved by the appointment of deputy-Prosecutors for the Crown, acting under the Attorney-General for the time being.—An establishment of this fort, even at a very small salary, would be considered as an honourable entré to many young counsel, who, in protecting the public against the frauds, tricks, and devices of old and prosessed thieves,

by which at present they escape justice, would also (by keeping the stream pure) allow no advantage to be taken of the prisoner.

While it must be admitted on all hands, that it is the interest of the public that no guilty offender should escape punishment;—it would seem an equally clear and incontrovertible position, that wherever, from any desect in the system of prosecutions, or from whatever cause it proceeds—a prisoner escapes that punishment which is due to his crimes, substantial justice is wounded, and public wrongs are increased through this medium.

It has been already stated in the preceding Chapter, that there are five separate jurisdictions in the metropolis, where Magistrates exercise limited authority.— Of course, there are five inferior Courts of Justice, where lesser offences, committed in London and its vicinity, are tried by Justices of the Peace.

- 1. The General and Quarter Sessions of the Peace held eight times a year by the Lord Mayor and Aldermen, at Guildhall—for the trial of small Offences committed in London.
- 2. The Quarter Sessions of the Peace held four times a year, at Guildhall, Westminster, by the Justices acting for that City and Liberty—for the trial of small Offences committed in Westminster anly,
- 3. The General and Quarter Sessions of the Peace held eight times a year, at the New Sessions House on Clerkenwell-Green

Green (commonly called Hicks's-Hall) by the Justices only of the County of Middlesex—for trial of small Offences committed in Middlesex and Westminster.

- 4. The General Quarter Sessions of the Peace held in the Sessions-House in Well-Close-Square, by the Justices for the Liberty of the Tower of London—for the trial of small Offences committed within the Royalty.
- 5. The Quarter Sessions of the Peace held at the New Sessions-House at Newington, Surry, in January.—At Reigate, in April.—At Guildford in July, and Kingston-upon-Thames in October each year, by the Justices for the County of Surry, and where small Offences committed in Southwark and the neighbourhood, are tried.

These five inserior Courts of Justice take cognizance of Petty Larcenies, Frauds, Assaults, Misdemeanors, and other Offences punishable by fine, imprisonment, whipping, and the pillory:—and in certain cases, the power of the Justices extend to transportation.

The higher and more atrocious offences committed in London and Middlefex, are tried at the Justice-Hall, at the Old Bailey, by a special commission of Oyer and Terminer to the Lord Mayor, and a certain number of the Judges, with the Recorder and Common Serjeant of the City of London.

Offences of the same degree of atrocity which are perpetrated in that part of the metropolis which is situated in the Borough of Southwark and County of Surry.

Surry, are tried at the Affizes, held twice a year at Kingston-upon-Thames, Croydon, or Guildford.*

Thus it appears, that five inferior, and two superior Tribunals of Justice are resorted to for trying the different offences which are committed in the metropolis.

As it may be useful, for the purpose of elucidating the suggestions which have already been offered upon this branch of the subject, that a connected view of the result of these Trials should make a part of this Work;—the following Abstract, (including the discharges of Prisoners by Magistrates) has been made up with this immediate view, from authentic documents obtained from the keepers of the eight different prisons and houses of correction in the city of London, and in the counties of Middlesex and Surry.

It applies to the period most recent; namely, from Septemper 1794, till September 1795.

* Confiderable inconvenience arises (and indeed great hardships, where prisoners are innocent) from the length of time which
must elapse, where offences have been committed in Southwark, before they can be brought to trial, either for inferior or more atrocious crimes.—In the former case, prisoners must remain till the
Quarter Sessions (there being no intermediate General Sessions of
the Peace) and in the latter case, till the Assizes, held only twice a
year, which occasions a consinement previous to trial lengthened
out, in some instances, to three, sour, sive, and even nearly to six
months.

A Summary View of the Prisoners committed, tried, punished, disposed of, and discharged, in the Metropolis, in one Year, ending in October, 1795.

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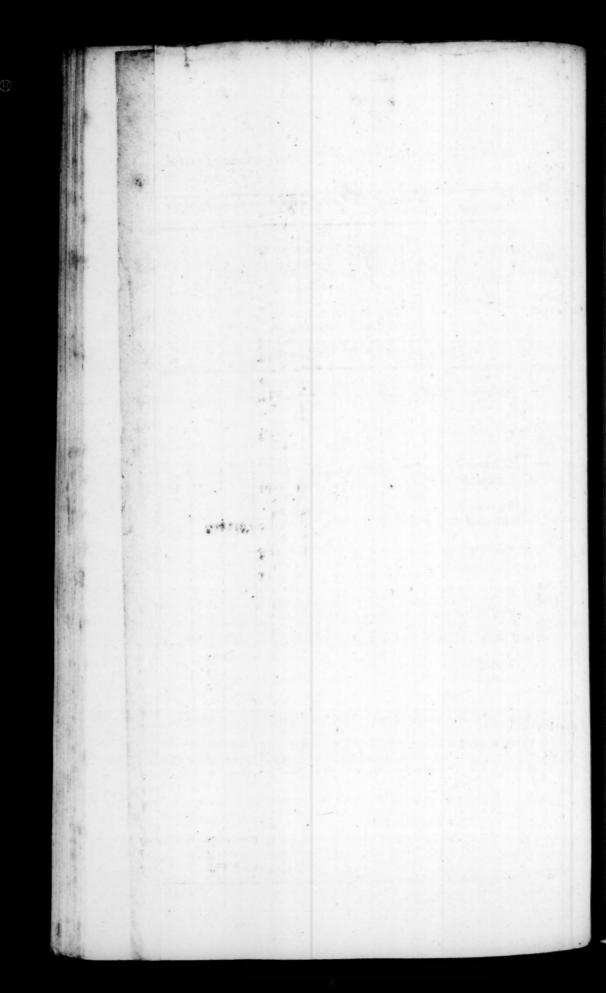
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	Number of Prisoners, punished and disposed of.												Number of Prisoners discharged from the Gaols in One Year.								the .	Eight			
	Names of Prifons.	Died	Guiltvof death		Transportation	Imprifoned in Newgate	Imprisoned in Bridewell Hospital	Imprisoned in the House of Correction of Middlesex	Imprifoned in Tothil- Fields-Bridewell	Imprifoned in Surry gaols	Sent to the Philanthropic and Marine Society	Sent to Serve his Majefty in the Navy and Army.	Paffed to Parifhes	Sent to Hospitals	Total	Difcharged by Magistrates for want of proof	Discharged by Proclama- tion and Gaol delivery	Discharged by acquittals	Difcharged, after being	Difcharged, after being	Discharged, after fuffer- ing imprisonment	Apprentices discharged	Offenders bailed out of prison	Discharged by Pardon	Total discharged
1	Newgate	7	5	ı	53	85		54		20		39			409		134	272	12	11	20			129	57
1	Poultry Compter						334				10	44	72		460	199							27		22
1	Giltspur Compter						249					75	125	44	493	287	10	10		45	11		114		47
	Bridewell Hospital	4		-							*		835	44	883						249	38			28
1	New Prifon, Clerkenwell	5			3							58			66	237	170	35	9		9		127		58
1	House of Correction in Cold Bath Fields	1	-										128		132	568	231	60			353	111		7	1 32
	TothilFields Bridewell	1	2		7				37				122	26	194	253	274	6	1		27		154		71
{	New Gaol, Southwark		1	0 1	1					16				1	38	130	74	35	2		28				26
		2	2 6	1	74	85	583	54	3	36	10	216	1282	115	2675	1674	893	418	24	50	697	149	422	129	446
				19 executed	106 transported																142	1			

N. B. Although the Author has been at infinite pains to render this fummary view as exact as possible, yet from the different modes adopted in keeping the accounts of the Prisons, he is not thoroughly satisfied in his own mind that the view he has here gived is accurate to a point,—He is however convinced that it will be sound sufficiently so for the purposes intended.



It is impossible to contemplate this collected aggregate of the prisoners annually discharged upon the town, without feeling a strong anxiety to remedy an evil rendered extremely prominent and alarming, from the number which composes this dismal catalogue of human depravity.

Every enquiry in the progress of this Work proves a radical defect somewhere.

While the public tribunals are filled with Judges, the purity of whose conduct adds lustre to their own and the national character, why should not every subordinate part of the criminal jurisprudence of the country be so organized, as to co-operate in the greatest possible degree with the efforts of the higher orders of the Magistracy in accomplishing the purposes of substantial justice?

Nothing could, in a greater degree, promote this object, than a public Profecutor for the Crown.

An inflitution of this kind would terrify the hordes of miscreants who are now at open war with the peaceable and useful part of the community, in a greater degree than any one measure that could possibly be adopted.

It would be the means of destroying those hopes and

and chances which encourage criminal people to perfevere in their depredations upon the public.

It would not only remove that aversion which profecutors manisest on many occasions, to come forward, for the purpose of promoting the ends of public justice; but it would prevent, in a great measure, the possibility of compounding felonies or of suborning witnesses.*

It would also be the means of counteracting the various tricks and devices of old thieves, and occasion an equal measure to be dealt out to them as to the

* Notwithstanding the severity of the law, the composition of felonies and misdemeanors is carried to a much greater height than it is almost possible to believe, and various devices are resorted to, to clude the penalties .- An inftance occurred in August 1792: where a Jew was ordered to take his trial for a rape, committed on a married woman.—The offence appeared, on examination, to be extremely aggravated.—The Grand Jury however did not find a bill, which was thought a very fingular circumstance, where the proof had been fo clear before the Magistrate. The reasons, however, were afterwards explained, which shew, what corrupt practices, artifices, and frauds will be used to defeat the ends of justice: -In confequence of a previous understanding between the Jew and the husband of the woman who had been so grossly abused, a sum of 120, was left in the hands of a publican, which the profecutor was to receive if the bill was not found.—In this confidence the woman gave a different evidence from what she had done before the Magistrate.—The Jew however cheated both the husband and the wife, for he no fooner discovered that he was safe, than he demanded the money of the publican, and laughed at the profecutor.

novices in crimes, who feldom fail to be convicted, while the experienced thief escapes:

It would do more,—It would protect real innocence;—for in such cases the public prosecutor would never fail to act as the friend of the prisoner, by requesting the jury to find a verdict of not guilty.

The humanity and mildness of our laws require that the Judge should act in some degree as counsel for the prisoner.—Of course, without a prosecutor for the Crown, every trisling inaccuracy in the indictment becomes fatal to the conviction; * and these circumstances, which would frequently throw great light upon the charges, are not brought under the review of the jury, and thus it is that public justice is deseated.

* In criminal cases, a desective indictment is not aided by the verdict of a jury, as desective pleadings in civil cases.—Indeed wherever life is concerned, great strictness has been at all times observed.—That able and humans Judges Sir Matthew Hale, complains above a century ago, † "That this strictness has grown" to be a blemish and inconvenience in the law and the admini"stration thereof, for that more offenders escape by the over-easy
"ear given to exceptions in indictments, than by their own inno"cence: and many times gross murders, burglaries, robberies, and
other heinous and crying offences remain unpunished by those unfeemly niceties, to the reproach of the Law, to the shame of the
Government, to the encouragement of villainy, and to the dishonour of God.";

⁺ He died 1676.

Upon an average, the Magistrates of the metropolis generally commit annually from about 2500 to 3000 persons, male and female, for trial, at the seven different Courts of Justice in and near the metropolis, charged with a variety of felonies, misdemeanors, and other petty offences, and after fully convincing their own minds, that from a careful, and in many instances, a most laborious investigation, the parties are guilty, they are obliged, from experience, to prepare themfelves for the mortifying circumstance of seeing their labour and exertions in a great measure lost to the community, from the major part being again returned upon fociety, without any effectual steps being adopted for their reformation, or any means used for the prevention of a repetition of those crimes, for which a confiderable proportion may have fuffered perhaps a flight punishment, producing no effect that is not ultimately mischievous to the community, by initiating them in a greater degree in the knowledge and means of committing new acts of fraud and villainy.

But as the remedy for this last evil will fall more properly to be considered in the two succeeding Chapters on Punishments;—to these therefore (particularly the 12th Chapter) the reader is referred.

CHAP. XI.

Of Crimes and Punishments in general.—The definition of Punishment as understood in modern times .- The mode of ascertaining the degrees of Punishment.—The objests to be considered in inflisting Punishments-namely, Amendment-Example-and Retribution .-- The Punishment of Death has little effect on hardened Offenders.—Examples of convicts exhibited in servile employments would make a greater impression; - In this way retribution can only be made to injured individuals, and to the State .- Laws for the security of life and liberty, of the greatest importance to fociety. - The utility of rendering them perfect; -In doing so, Prevention ought to be the great object of the Legislature.— General Rules suggested for attaining this object, with illustrations .- The severity of our laws with respect to Punishments not consonant to reason and injurious to society—not reconcilable to the principles of morality, and a free government-calculated in their operation to debase the human character .- The trifling pickpocket and bloody murderer are doomed to the same punishment -General Reflections on Punishments authorised by the English Law. -- Political Crimes punished in a feverer degree than those which relate to Religion and Virtue.—The necessity of enforcing the observance of religious and moral Virtue by leffer Punishments .-General Reflections applicable to public and private Crimes .- The dangers arifing from the progress of immorality

morality to the fafety of the State .- The disproportion of Punishments, exemplified in the case of an affault, opposed to a larceny .- In seduction and adultery, which is not a criminal offence.-The Laws severe in the extreme in political offences, while they are lax and defective with regard to moral Crimes. -- The leading Offences made capital by the laws of England considered, with the Punishment allotted to each, and compared with the custom of other countries, in similar cases, both ancient and modern: namely, High-Treason-Petit Treason :- Felonies against Life, viz. Murder, Manslaughter, Chance-medly, and Necessity: -against the Body, comprehending Sodomy, Rape, Defilement, Polygamy, and Maybem .- against Goods or Property, comprehending Simple Larceny, Mixt Larceny, and Piracy ; -- and against the Habitation, Arfon and Burglary .- The Pucomprehending nishments applicable to all these Offences explained and illustrated by the practice of other Countries, in ancient and modern times .- Concluding Reflections relative to the severity of the Laws, and their imperfections with regard to Punishments .- The new code of the Emperor JOSEPH the Second, Shortly detailed .- Concluding Reflections applicable to the subject.

PUNISHMENT, (fays a learned and respectable author) is an evil which a delinquent suffers unwillingly by the order of a Judge or Magistrate, on account of some ast done which the law prohibits, or something omitted which the law enjoins.

The

The proportion of all Punishments ought to correspond with the nature of the Offence committed;—and the legislature in adjusting Punishments with a view to the public good, is naturally led to a comparison of the Crime under consideration, with other offences injurious to society.

In order to ascertain in what degree the public is injured or endangered by any Crime, it is necessary to weigh well and dispassionately the nature of the Offence, as it affects society.

It is through this medium, that Treason and Rebellion are discovered to be higher and more dangerous offences than breaches of the peace by riotous assemblies, and such riotous meetings are in like manner, more criminal than a private assault; and thus by comparing one Offence with another, it would seem almost practicable to form such a scale or gradation of Punishments as might regulate the system according to the rules of distributive justice.*

In punishing delinquents, two objects ought to be invariably in view.

- 1. The amendment of the delinquent.
- 2. As an example to others.

To which may be added,

- 3. Retribution to the party injured.
 - * Beccaria, on crimes and punishments, Cap. 6.

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Wherever the amendment of a delinquent is in view, it is clear that his Punishment cannot extend to death, and if expiating an offence by the loss of life is to be (as it certainly is at present) held out as an example for the purpose of preventing Crimes, it is evident that the present system has not had that effect, since they are by no means diminished by the facrifices that are made; and since even the dread of this Punishment, in the manner it is now conducted, has so little effect upon guilty associates attending executions, that it is no uncommon thing for these hardened offenders to be engaged in new acts of these, at the very moment their companions in iniquity are launching, in their presence, into eternity.

The most obvious method of affecting the mind of hardened offenders long in the practice of criminal purfuits, is not by the Punishment of death, which they are taught to consider as nothing but a momentary paroxism which ends all their distress at once, and as a relief, which many of them grown desperate even look upon with a species of indifference bordering on a desire to meet that sate which puts an end to all the distresses and anxieties attendant on a life of criminality.

The end of capital Punishments, in the manner they are now conducted, therefore, with regard to example, appears to be of less consideration than has been generally imagined.

Examples can only have full force where convicts are exhibited day after day to their companions occupied in mean and fervile employments in penitentiary houses, or on the highways, canals, mines, or public works.—It is in this way only that there is the least chance of making retribution to the parties whom they have injured, or of reimbursing the State for the unavoidable expence which their evil pursuits have occasioned.

Criminal laws and regulations for the fecurity of life, liberty, and property, ought certainly to be confidered as the most important concern of legislature.

A celebrated writer* in his l'Esprit de Loix, justly and truly observes, that the liberty of the citizen depends on the excellence of the criminal laws.

In a country, therefore, where the Conflitution is founded on the true principles of liberty, too much attention cannot be bestowed on whatever shall tend to carry the criminal code to as great a degree of perfection as human wisdom is capable of advancing it.

-In accomplishing this object, every wife legislature will have it in contemplation rather to prevent than to punish Crimes, that in the chastisement given, the delinquent may be restored to society as an useful member.

* Montesquieu.

This purpose may possibly be best effected by the adoption of the following general rules.

- 1. That the statutes should accurately explain the enormity of the offence forbidden, and that its provisions should be clear and explicit, the result of a perfect knowledge of the subject, that justice may not be defeated in the execution.
- 2. That the Punishments should be proportioned and adapted as nearly as possible to the different degrees of offences, with a proper attention also to the various shades of enormity which may attach to certain crimes.
- 3. That perfons profecuting, or compelled to do fo, should not only be shielded from expence, but also that reparation should be made for losses which have been suftained by the injured party in all cases where it can be obtained from the labour, or property of the delinquent.
- 4. That satisfaction should be made to the State for the injury done to the Community, by disturbing the peace, and violating the purity of society.

Political laws which are repugnant to the law of nature and reason ought not to be adopted. The objects above-mentioned would seem to include all that can be necessary for the attention of law-givers.

If an examination of the frame and tendency of our criminal laws, both with respect to the principles of reason and State policy, could enable the Author to indulge a hope that what he brings under the public eye on this important subject, would be of use in promoting the good of mankind, he should consider his labours as very amply rewarded.

The feverity of the criminal laws is not only an object of horror, but the disproportion of the Punishments, as will be shewn in the course of this Work, breathes too much the spirit of DRACO* who boasted that he punished all crimes with death, because small crimes deserved it, and he could find no higher Punishment for the greatest.

If we attend to Reason, the Mistress of all Law, she will convince us that all Punishments should be in proportion to the crimes that are committed, and that it is both unjust and injurious to society to inslict death, except for the highest offences, and in cases where the offender appears to be incorrigible.

While the ruling principle of our government is unquestionably, *Liberty*, it is much to be feared that the rigour which the laws indiscriminately inslict on slight as well as more atrocious offences, can be ill reconciled to those just distinctions of morality, and those notions of justice which are supposed to characterise free States.

By punishing smaller offences with extraordinary severity, is there not a risque of inuring men to baseness, and of plunging them into the fink of infamy and

^{*} He lived 624 years before the christian æra.

despair,

despair, from whence they seldom fail to rise capital criminals, often to the destruction of their sellow creatures, and always to their own inevitable perdition?

To fuffer the lower orders of the people to be ill educated—to be totally inattentive to those wise regulations of State policy which is to guard and improve their morals, and then to punish them with a severity unexampled in the history of the world, either ancient or modern, for crimes which have originated in bad habits, has too much the appearance of creating delinquents for the purpose of putting them to death.

The catalogue of offences exhibited in our criminal code, and which are briefly detailed in the fucceeding chapter, places the most trivial delinquencies on the same footing in point of Punishment with the most atrocious Crimes:—The pilfering pickpocket and the bloody murderer, however distant in point of criminality, are condemned to die by one undistinguishing fentence.

However difficult it may appear to adapt Punishments to the various dispositions of offenders while many are dead to shame, and to the stigma of infamy, yet there are different degrees of Punishment, short of the deprivation of life, connected with confinement and labour, which by being rendered objects of terror, may be considered as the most effectual.

In regulating the Punishment of Crimes, two circumstances ought constantly to be in view—the immorality of the action, and its bad tendency.

Nothing contributes in a greater degree to deprave the minds of the people, than the little regard which Laws pay to morality, by inflicting more severe Punishments on offenders who commit what are deemed political crimes, than on those who violate religion and moral virtue.

Like unskilful artists, we seem to have begun at the wrong end; since it is clear that the distinction which has been made in the Punishments between public and private Crimes is subversive of the very soundation it would establish.

Private offences being the fource of public Crimes, the best method of shielding society against the latter is, to make provisions, by means of proper Punishment, for checking the former.—A man of pure morals always makes the best subject of every state; and sew have suffered Punishment as public delinquents, who have not long remained unpunished as private offenders.

The only means, therefore, of fecuring the peace of Society, and of preventing more atrocious crimes, is, to enforce, by leffer Punishments, the observance of teligious and moral duties.

The people are to the legislature what a child is to a parent:—While the first care of the latter is to teach the love of virtue, and a dread of Punishment; so ought it to be the duty of the former, to frame laws with an immediate view to the improvement of the morals of the people.

That kingdom is happiest where there is most virtue, fays an elegant writer.—It follows, of course, that those laws are the best which are most calculated to promote morality:—fince it is clear, that the operation of this quality, in every state, is only a conduct intentionally directed towards the public good.

It would feem therefore that by distinguishing what are called public Crimes by a peculiar severity of Punishment, we only provide against present and temporary mischiefs,

By following this fystem, we punish effects which might have been prevented by obviating their causes.

This may be affigned in part as a reason why civil wars and revolutions have disturbed kingdoms.—The laws are armed against the *powers* of rebellion, but are not calculated to oppose its principle.

Few civil wars have been waged from confiderations of public virtue, or even for the fecurity of public liberty.—These desperate undertakings are generally promoted and carried on by abandoned and deprayed

depraved characters, who feek to better their fortunes in the general havoc and devastation of their country.—Those men are easily seduced from their loyalty who are apostates from virtue.

To be fecure therefore against those calamities which are the result of public wrongs leading to anarchy and consustant, it is far better to improve and confirm a nation in those principles of justice and injustice which natural reason suggests, than to perplex them by political refinements.

When we are taught, for instance, that it is a greater Crime to coin a sixpence than to kill our father or mother, nature and reason revolt against the proposition, and we at once determine that the degrees of Punishment ought to be different.

It is the triumph of liberty, fays the great Montesquieu, when the criminal laws proportion Punishments to the particular nature of each offence.—It may be further added, that when this is the case, it is also the triumph of reason.

In offences which are confidered by the legislature as merely personal and not of the class of public wrongs, the disproportion is exceedingly shocking.

If, for instance, a personal assault is committed of the most cruel, aggravated, and violent nature, the offender

offender is feldom punished in any other manner than by a fine and imprisonment, but if a delinquent steals from his neighbour secretly more than the value of twelvepence, the law dooms him to death.—And he can suffer no greater Punishment if he robs and murders a whole family.

Other private wrongs might be adduced of a very flagrant nature where no Punishment attaches.—The feduction, for instance, of another man's wife—the destruction of the peace and happiness of families refulting from alienating a woman's affections; from defiling her person, and perhaps destroying the happiness of well-regulated and virtuous families, is not even an offence in the eye of the Criminal Law, while it is death to rob the same person, who has suffered this extensive injury, of a trisle exceeding a shilling.

The Crime of adultery was punished with great severity both by the Grecian and the Roman laws.—In England this offence is not to be found in the Criminal Code.—It may indeed be punished by fine and penance in the spiritual court, or by an action of damages. The sormer may now (perhaps fortunately) be considered as a dead letter; while the latter, being merely of a pecuniary nature, has little effect in restraining this species of delinquency.

Thus it appears, while our laws have been stretched to an unreasonable degree of severity in point of property, and for offences merely of a political nature, they are unquesunquestionably extremely lax and defective with regard to moral crimes.

Some provisions of this kind would shew that our system of legislature has a regard to the morals of the subject, which ought always to be the primary confideration, since laws without morality are but weak guardians either of States, persons or property.

Having thus taken a general view of the principles applicable to our Criminal Laws with respect to Punishments, it may be necessary, for the purpose of more fully illustrating these reslections, briefly to consider the various leading Offences, by examining how far the Punishments allotted to each are proportioned to the nature of the delinquency.

High Treason is the highest civil Crime which can be committed by any member of the community.—After various alterations and amendments made in subsequent reigns, the definition of this Offence was settled as it originally stood, by the Act of the 25th of Edward the IIId. stat. 4, chap. 2, and may be divided into seven different heads:

- 1. Compassing or imagining the Death of the King, Queen, or Heir Apparent.
- 2. Violating the Queen—the eldest Daughter of the King, or the Wise of the Heir Apparent, or eldest Son.
- 2. Levying War against the King in his realm.

4. Adhering

- 4. Adhering to the King's enemies, and giving them aid in the realm or elsewhere.
- 5. Counterfeiting the King's Great Seal, or Privy Seal.
- Counterfeiting the King's Money, or bringing false Money into the kingdom.
- 7. Slaying the King's Chancellor or Judge in the execution of their offices.

This detail shews how much the dignity and security of the King's person is consounded with his officers, and even with his effigies imprest on his Coin.—To affassinate the servant or to counterfeit the type, is held as criminal as to destroy the Sovereign.

This indifcriminate blending of Crimes fo different and disproportionate in their nature under one common head, is certainly liable to great objections, seeing that the judgment in this Offence is so extremely severe and terrible. There are indeed some shades of difference with regard to coining money; and that part which relates to being drawn and quartered is, to the honor of humanity, never practised.—But even in cases of the most atrocious nature, the execution of so horrid a sentence seems to answer no good political end.—Nature shudders at the thought of imbruing our hands in blood, and mangling the sinoking entrails of our fellow creatures.

In most Countries and in all ages, however, treason has been punished capitally.—By the Roman laws, or the Cornelia Lex, of which Sylla, the Dictator, was the author, this Offence was created.—It was also made a capital Crime when the Persian monarchy became despotic.

By the laws of China, treason and rebellion are punished with a rigor even beyond the severity of our judgment, for the criminals are ordained to be cut in ten thousand pieces.

There is another species of treason, called petty treason, described by the statute of the 25th of Edward the IIId. to be the offence of a servant killing his master, a wife killing her husband, or a secular or religious slaying his prelate.—The punishment is somewhat more ignominious than capital offences, inasmuch as a hurdle is used instead of a cart.—Here again occurs a very strong instance of the inequality of Punishments, for although the principle and essence of this Crime is breach of duty and obedience due to a superior slain, yet if a child murders his parents (unless he served them for wages) he is not within the statute, although it must seem evident to the meanest understanding that parricide certainly is a more atrocious and aggravated offence.

By the Lex Pompeia of the Romans, parricides were ordained to be fown in a fack with a dog, a cock, a viper,

viper, and an ape, and thrown into the fea to perish by the most cruel of all tortures.

The ancient laws of all civilized nations have punished the crime of parricide by examples of the utmost feverity.—The Egyptians put the delinquents to death by the most cruel of all tortures—mangling the body and limbs, and afterwards laying it upon thorns to be burnt alive.

By the Jewish law it was death for children to curse or strike their parents; and in China, this crime was considered as next in atrocity to treason and rebellion, and in like manner punished by cutting the delinquent in one thousand pieces.

The laws of England however makes no more diftinction between this Crime than common murder; while it is to be lamented that offences far less heinous, either morally or politically confidered, are punished with the same degree of severity, and it is much to be feared, that this singular inequality is ill calculated to inspire that filial awe and reverence to parents, which all human laws ought to inculcate.

The offences next in enormity to Treason, are by the laws of England, denominated Felonies, and these are of two kinds, public and private.

Public Felonies are these following, having relation to the State.

1. Felonies relative to the Coin of the Realm.

2. Idem to the King and his Counfollors, &c.

3. Idem to Soldiers and Mariners.

4. Idem to embezzling Public Property.

Jdem to Riot and Sedition.Idem to Efcape from Prison.

7. Idem to Revenue and Trade, &c.

Private Felonies are described as crimes committed,

1. Against Life, 2. The Body, 3. The Goods,

4. The Habitation of the Subject.

Against 1. Simple Larceny.
Goods. 2. Mixt Larceny.
3. Piracy.

Against the Dwelling or Habitation. 2. Burglary.

Those crimes which are denominated public felonies being merely of a political nature, it would seem that the ends of justice would be better answered, and convictions oftener obtained, by different degrees of Punishment short of death, the policy of which may fairly be questioned, grounded on the various reasons which have been assigned in the course of this work.

With regard to private felonies, it may be necessary to make some specific observations—

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The first, in point of enormity, is murder, which may be committed in two ways:—first, upon one's felf, in which case it is denominated felo de se, or self-murder;—second, by killing another person.

The Athenian Law ordained, that persons guilty of felo de se should have the hand cut off which did the murder, and buried in a place separate from the body; but this seems of little consequence.

When fuch calamities happen, it is a deplorable misfortune; and there feems to be great cruelty in adding to the diftress of the wife, children, or nearest kin of the deceased, by the forfeiture of his whole property, which is at present confiscated by Law.

By the Law of England, the judgment in case of murder is, that the person convicted shall suffer death, and that his body shall be diffected.

The laws of most civilized nations, both ancient and modern, has justly punished this atrocious offence with death. It was so by the laws of Athens, and also by the Jewish and Roman laws.—By the Persian law murderers were pressed to death between two stones; and in China, persons guilty of this offence were beheaded, except where a person killed his adversary in a duel, in which case he is strangled.—Decapitation by the laws of China is considered as the most dishonourable mode of execution.

In the ruder ages of the world, and before the manners of mankind were foftened by the arts of peace and civilization, murder was not a capital crime: And hence it is, that the barbarous nations which over-ran the Western Empire, either expiated this crime by private revenge, or by a pecuniary composition.

Our Saxon ancestors punished this high offence with a fine; and they too countenanced the exercise of that horrid principle of revenge, by which they added blood to blood.

But in the progress of civilization and society, the nature of this crime became better understood, and at length private revenge became under the power of the law, and the good King Alfred first made it a capital offence in England.

In this case, as in selo de se, the property of the murderer goes to the state, without any regard to the unhappy circumstances of the families either of the murdered or the guilty person, who may be completely ruined by this satal accident.—This ill accords with either the justice or mildness of our laws.

Manssaughter is defined to be the killing another without malice, on a sudden quarrel, upon a just provocation; and the punishment is, "that the person convicted shall be burnt in the hand, and his goods forseited."

Chance-medley is, when one is doing a lawful act, without intent to burt another, death enfues.—For this offence a pardon follows of course; but the law forfeits the property of the person charged; the rigour and injustice of which is too obvious to require any comment.

Homicide by necessity, or self-defence, is another shade of murder, upon which no punishment can or ought to be inslicted: yet, to the reproach of the Law, the goods and chattels of the person charged and convicted are forseited to the Crown, contrary to every principle of reason and justice.

Having thus briefly discussed what has occurred relative to the punishment of offences against life, it remains now, according to the method which has been adopted, to make some observations on what is denominated private felonies against the body of the subject.—These crimes may be perpetrated,—1st, by Sodomy—2d, by Rape—3d, by forcible Marriage, or Desilement—4th, by Polygamy—5th, by Mayhem.

By the Grecian, Roman, and Jewish laws, the abominable crime of *Sodomy* was punished with death.

—In France, previous to the revolution of that government, the offenders suffered death by burning.

The Lombards were faid to have brought this abominable

abominable vice into England, in the reign of Edward the Third.

In ancient times, the men were hanged, and the women drowned, who were found guilty of this shameful offence.

By the 25th of Henry the Eighth, it was adjudged felony without benefit of clergy.---

It is very doubtful, however, whether the feverity of the punishment of a crime of fuch an unnatural and abominable a nature, as even to render it difficult to credit its existence, does not defeat the object of destroying it, by rendering it difficult to convict an offender.

It is, in effect, the same with respect to the crime of committing a Rape. A proper tenderness for life makes the Law require strong evidence, and of course the proof is nice and difficult; whereas, were the punishment more mild, it would be more efficacious in preventing the violation of chaftity.

By the Law of Egypt, Rapes were punished by cutting off the offending parts.—The Athenian laws compelled the ravisher of a virgin to marry her.

It was long before this offence was punished capitally by the Roman law: but at length the Lex Ju-S 2

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lia inflicted the pains of death on him who with force and violence committed a rape.

The Jewish law also punished this crime with death, if forcibly committed; but if a virgin was deflowered without force, the offender was obliged to pay a fine, and marry the woman.

By the 13th of Elizabeth, this offence was made felony without benefit of clergy.

It is certainly of a very heinous nature, and, if tolerated, would be subversive of all order and morality;—yet it may still be questioned, how far it is either useful or politic to punish it with death; and it is worth considering, whether, well knowing that it originates in the irregular and inordinate gratification of unruly appetite, the injury to society may not be repaired without destroying the offender.

In most cases, this injury might be repaired by compelling (where it can be done) the criminal to marry the injured party; and it would be well for society, if the same rule extended not only to all forcible violations of chastity, but even to instances of premeditated and systematic seduction.

In cases, however, where marriage could not take place, by means of legal disability, or resusal on the part of the woman, the criminal ought to be severely punished, by pecuniary damages to the party injured, and by hard labour and confinement, or transportation for life.

The offence confidered as next in point of enormity to Rape, is, Forcible Marriage, or Defilement of Women: but it is somewhat remarkable, that by confining the offence to women of estate only, the moral principles are made to yield to political considerations; and the security of property, in this instance, is deemed more essential than the preservation of semale chastity.

In short, the property of the woman is the measure of the crime, since the statutes of the 3d of Henry the Seventh, cap. 2, and the 39th of Elizabeth, cap. 9, make it selony to take away any woman, having lands or goods, or being an heir apparent to an estate, by sorce, or against her will, and to marry or defile her.—

The forcible marriage and defilement of a woman without an estate is not punished at all, although, according to the principles of morality and reason, it is as criminal as the other. It is indeed an offence not so likely to be committed.

However, it is in every point of view, highly impolitic to punish such offences with death; and it would seem to be enough, to expiate the crime by alienating the estate from the husband—vesting it in the wise alone, and confining him to hard labour, or punishing the delinquent, in very atrocious cases, by transportation.

Polygamy stands next as an offence against the perfon: fon:—It was declared felony by the statute of James the First, but not excluded from the benefit of clergy, and therefore not subject to the punishment of death.

Though, in one view, a plurality of wives appears only a political offence, yet it is undeniably a breach of religious and moral virtue, in a very high degree.

It is true, indeed, that in the early ages of the world, Polygamy was tolerated both in Greece and Rome, even after the people had arrived at a high pitch of refinement.

But fince the inftitution of Matrimony under the present form, Polygamy must be considered as highly criminal, since marriage is an engagement which cannot be violated without the greatest injury to society. The public interest, therefore, requires that it should be punished; and the Act of the 35th of his present Majesty, which made this offence transportation, is certainly not too severe.

Maybem, or Maiming, is the last in the Catalogue of Offences against the Person. It was first made selony by the 5th of Henry the Fourth, cap. 5th.—It is defined to be a malicious imprisonment, maiming, cutting out the tongue, and pulling out the eyes of any of the King's liege people. The statute of the 22d and 23d of Charles the Second, cap. 2d, extends the description of this offence to slitting or cutting off the nose, or disabling

disabling any limb or member, by malice forethought, and by lying in wait with an intention to maim and disfigure.

To prove Malice in this crime, the act must be voluntary, and of set purpose, though done on a sudden.—In that case the law will imply Malice.

Mayhem, as explained in the above statutes, is certainly a very atrocious offence; and as the punishment is not followed by corruption of blood, or the forseiture of the property of the offender, it is, according to the present system, perhaps not too severe.

Having thus finished the Observations which have occurred in cases of *Private Felony*, affecting the *Life* and the Body, of the Subject; it follows next in order, to examine what are called *Private Felonies* against the Goods or Property of the Individual.

These (as has already been observed) are of three kinds, viz. Simple Larceny, Mixt Larceny, and Piracy.

Simple Larceny is divided into two forts:—
1st, Grand Larceny, and 2d, Petit Larceny.—The first is defined to be the taking and carrying away the mere personal property or goods of another, above the value of twelve pence.—This offence is capital, and punished with death, and the forfeiture of property.

Petit Larceny is where goods, taken in the above manner is under the value of twelve pence, in which case, the punishment (according to the circumstances of atrocity attending the offence) is imprisonment, whipping, or transportation, with forseiture of goods and chattels.

And thus it appears by the rigour of our law, that stealing the least trisle above 12d, subjects the offender to the loss of life, which seems repugnant to reason, policy, or justice; more especially when it is considered, that at the time this Anglo-Saxon law was made, in the reign of Athelstan, 860 years ago, one shilling was of more value, according to the price of labour, than seventy-sive shillings are at the present period, and yet the law continues the same, and the life of man alone has not risen in its value, but may be justly said to be seventy-sive times cheaper than it was when this mode of punishment was first established.

By the Athenian laws, the crime of theft was expiated by paying double the value of what was stolen, and as much more to the public.—Solon introduced a law among the Athenians, enjoining every person to state, in writing, by what means he gained his livelihood; and if salse information was given, or that he gained his living in an unlawful way, he was punished with death.—A similar law prevailed among the Egyptians,

The Lex Julia of the Romans made Theft punishable at discretion; and it was even forbidden, that any person should suffer death, or even the loss of a member, for this crime.—The greatest punishment which appears to have been inslicted for this offence, even in its most aggravated nature, was fourfold restitution.

By the Jewish law, Thest was punished in the same manner, with the addition of a fine according to the circumstances of the offence, excepting in cases where men were stolen, which was punished with death.

In China, Theft is punished by the bastinadoe, excepting in cases of a very atrocious nature, and then the culprit is condemned to the Knoutage—a contrivance not unlike the Pillory in this country.

The ancient laws of this kingdom punished the crime of Thest differently.—Our Saxon ancestors did not at first punish it capitally, though it was so afterwards.—King Ina's* laws inslicted the punishment of death, but allowed the thiest to redeem his life, Capitis estimatione, which was fixty shillings; but if an old offender, who had been often accused, the hand or soot was to be cut off.

After various changes which took place under diffent princes in the rude and early periods of our hillory, it was at length fettled by the 9th of Henry the

^{*} King of the West Saxons anno 683.

First, (in the year 1108) that for theft and robbery offenders should be hanged, which has continued to be the law of the land ever fince, excepting in the county palatine of Chester, where the ancient custom of beheading selons was practised some time after the law of Henry the First, and the Justices of the Peace of that county received one shilling from the King, for every head that was cut off.

Baron Montesquieu feems to be of opinion that as thieves are generally unable to make reftitution, it may be just to make thest a capital crime.—But would not the offence be expiated in a more rational manner, by compelling the delinquent to labour first for the benefit of the party aggrieved, till recompence is made, and then for the State. *

According to the present system the offender loses his life, and those whom he has injured lose their property, while the State also suffers in being deprived of a member whose labour, under proper controul, might have been made useful and productive.

It is justly imputed to the feverity of the punish-

* That acute Reasoner, the Marquis Beccaria, who wrote after Montesquieu, holds this last opinion.—" A punishment, (fays this able writer) to be just, should have only that degree of severity which is sufficient to deter others: perpetual labour will have this effect more than the punishment of death."

Mar. BECCARIA, Chap. 28.

ment for this offence, that perfons of tender feelings confcientiously scruple to prosecute delinquents for inconsiderable Thests; from which circumstance it is believed, that not one depredation in a hundred that is committed comes to the knowledge of Magistrates.—And thus it is that pilserers multiply, and property becomes insecure;—hence too, it is plain, that while such multitudes of offenders escape with impunity, every severity of punishment which was intended to lessen crimes, has the essent to increase them in a very eminent degree.

Mixed or Complicated Larceny has a greater degree of guilt in it than fimple Larceny, and may be defined to be either taking from a man or from his house.—If a person is previously put in sear or assaulted, it is denominated Robbery.

When a Larceny is committed which does not put the party robbed in fear;—it is done privately and without his knowledge, by picking his pocket, or cutting the purfe, and stealing from thence above the value of twelve pence: or publicly, with the knowledge of the party, by stealing a hat or wig, and running away.

With respect to dwelling houses the common law has been altered by the 12th of Queen Anne, cap. 7. which ordains that stealing to the value of forty shillings or more, in any dwelling or out-house thereunto belonging

belonging, though fuch house be not broken, shall be punished with death, without benefit of clergy.

The next offence against Property is denominated Piracy, which is a felony against the Goods of the subject by a robbery committed at sea.—It is a capital offence by the civil law, although by Act of Parliament, heard and determined, as if the offence had been committed on land. The mode of trial is regulated by the 28th of Henry the Eighth.

Felonies against the Dwelling or Habitation of a man are of two kinds, and are denominated Arson and Burglary.

Arfon or Arfonry is a very atrocious offence—it is defined to be a malicious burning of a House either by night or by day. It is in this case a capital offence; but if a man burns his own house, without injuring any other, it is only a misdemeanor, punishable by fine, imprisonment, or the pillory.

By the 23d of Henry the Eighth, the capital part of the offence is extended to persons, (whether principals or accessaries,) burning houses or barns wherein corn is deposited, and by the 43d of Elizabeth, burning barns or stacks of corn in the four northern counties, is selony without benefit of clergy.

By the 22d and 23d Car. II. it is felony to burn any flack of corn, hay, or grain, barns, or other buildings,

ings, or kilns, maliciously, in the night time, and the punishment is transportation for 7 years.

By the 1st Geo. I. it is also made felony to set fire to any wood, underwood, or coppice.

Burglary is a felony at common law, it is described to be when a person by night breaketh into the mansion of another with an intent to commit a felony, whether executed or not. By the 18th of Elizabeth this offence was excluded the benefit of clergy, and by the 5th and 6th of Edward VI. it was extended to robbing any person in a booth or tent in a fair or market, the owner being within the same.

By the 3d and 4th of William and Mary, the Punishment is extended to accessaries. And by the 12th of Anne, the entering into a mansion or dwelling house by day or by night, without breaking into the same, with an intent to commit any felony, and being in such house, shall commit any felony, and shall, in the night time, break the said house to get out of the same, is declared to be the offence of burglary, and punished as such.

It is, without doubt, highly expedient that this Offence should be punished more severely than any other species of thest, since besides the loss of property, there is something very terrisic in its consequences, which is often productive of dreadful effects.

The

The ancient laws made a marked distinction in the punishment between this Offence, which was called Hamsokne, (and which name it retains at present in the Northern part of this kingdom) and robbing a house in the day time.

There are many other felonies which have been made capital (particularly within the present century) which do not properly fall within the classes which have been discussed;—for an account of these the reader is referred to the general catalogue of Offences specified in the next Chapter.

The aggregate of these various Offences now rendered capital, and upon which the judgment of death must be pronounced if the party is found guilty, has been stated in another part of this Work to amount to above one bundred and sixty.

And yet if a full confideration shall be given to the subject, it is believed that (excepting in cases of Treafon, Murder, Mayhem, and some aggravated instances of Arsonry) it would be sound to be neither politic nor expedient to punish with death.

At any rate, it must be obvious to every reasoning mind, that such *indiscriminate rigour*, by punishing the petty pilferer with the same severity as the atrocious murderer, cannot be reconciled to the rights of nature or to the principles of morality.

It is indeed true, in point of practice, that in most cases of a slight nature, the mercy of the Sovereign saves the delinquent; but is not the exercise of this mercy rendered so necessary on every occasion, "a tacit disapprobation of the laws?"*

Cruelty in punishment for slight Offences often induces Offenders to pass on from the trisling to the most atrocious crime.—Thus are these miserable fellow mortals rendered desperate, while the laws, which ought to soften the serocity of obdurate minds, tend to corrupt and harden them.

What education is to an individual, the laws are to fociety.—Wherever they are fanguinary, delinquents will be hard-hearted, desperate, and even barbarous.

However much our ancestors were considered as behind us in civilization, yet their laws were infinitely milder in many instances, than in the present age of refinement.

The real good of the State, however, unquestionably requires that not only adequate punishments should be impartially inslicted, but that the injured should obtain a reparation for their wrongs.

Instead of such reparation it has been already stated,

and indeed it is much to be lamented, that many are induced to defift from profecutions, and even to conceal injuries, because nothing but expence and trouble is to be their lot; as all the fruits of the conviction where the criminal has any property, goes to the State.

—That the State should be the only immediate gainer by the fines and forfeitures of criminals, while the offended party suffers, is certainly not reconcilable to the principles either of justice, equity, or sound policy.

Having faid thus much on the subject of severe and fanguinary Punishments, it may not be improper to mention a very recent and modern authority for the total abolition of the punishment of Death in the Imperial Dominions, by a new code of criminal law which the late Emperor, Joseph the Second, promulgated to his subjects, and legalized by his edict in 1787.

In this enlightened age, when princes, civilians, and men of learning fit down to form a code of Criminal Law, with the wisdom and experience of former ages, and all the information with regard to the practice of civilized modern nations, under their confideration; and with an impression also upon their minds, that sanguinary punishments by death, torture, or dismemberment of parts are not necessary, and ought to be abolished, it becomes an interesting circumstance in the annals of the world, exciting a desire to examine the principles and the detail of a system formed by men of talents, abilities and knowledge, and unshackled by those

those prejudices which the superstition of former ages engendered.

" The Emperor in his edict given at Vienna the 13th " of Fanuary 1787, declares bis intention to have been " to give a precise and invariable form to Criminal Judicature: to prevent arbitrary interpretations; to " draw a due line between criminal and civil offences, " and those against the State; to observe a just propor-& tion between offences and punishments, and to deter-" mine the latter in fuch a manner as that it may make " more than merely a transient impression .- And having " promulgated this new code, he abrogates, annuls, and " declares void all the ancient laws which formerly " existed in his dominions .- Forbidding at the same " time every criminal Judge to exercise the functions " of his office on any but those who shall be brought "before him accused of a criminal offence expressed " in the new code."

This fystem of criminal law is so concise as to be comprehended in less than one hundred octavo pages. It commences with laying down certain general principles, savourable in their nature both to humanity and public liberty,—and in determining the Punishments (which will hereaster be very shortly detailed) the following rules are laid down for the Judges.

[&]quot;The criminal Judge should be intent on observing the just proportion between a criminal Offence and

- et the punishment assigned it, and carefully to compare
- every circumstance.-With respect to the criminal
- " Offence, his principal attention should be directed to
- " the degree of malignity accompanying the bad action,-
- to the importance of the circumstance connected with
- the Offence—to the degree of damage which may refult
- from it, to the possibility or impossibility of the pre-
- a cautions which might have been made use of to prevent
- it. --- With respect to the criminal, the attention of
- " the Judge should be directed to his youth, to the
- temptation of imprudence attending it,—to the punish-
- ment which has been inflicted for the same Offence,
- " and to the danger of a relapse.

In this code the offences are divided into feven different classes, viz.

These are denominated Criminal Offences.

Thefe are deno-

minated Civil

Offences.

- 1. Offences against the Sovereign and the State, or high treason.
- 2. Offences relative to human life and bodily fafety.
- 3. Offences relative to honor and liberty.
- 4. Offences relative to possessions and rights.
- 5. Offences that endanger the life or health of the Citizens.
- 6. Offences that affect the fortunes or rights of the Citizens.
- 7. Offences that tend to the corruption of

It is impossible within the narrow compass of this Work to enter into any particular detail of the various subdivisions of the Crimes and Punishments explained

plained in the code (which must be perused in order to have a clear and comprehensive view of the subject) the following specification therefore relates merely to the beads or outlines of the fystem, which it is hoped may be found from the manner it is arranged to convey to the reader both amusement and instruction.

CRIMES.

1. Laying violent hands on the Sovereign, whether injury results from it or not.

2. Attacking the Sovereign by speeches or writings.

3. Persons conspiring and taking up arms, or entering into alliance with an enemy, &c. are guilty of sedition and

PUNISHMENTS.

Confiscation of property, and imprisonment, not less than 30 years, and branding on each cheek with the mark of a gallows* if the prisoner is remarkably depraved.

Imprisonment 8 years, and not less than 5.

Confiscation of property and 30 years imprisonment, with branding as above.

4. He who enters the house or abode of another, and uses violence against his person, goods, or possession, is guilty of open force.

5. He who violently resists the authority of a Judge, or Officer of Justice, although no wound result, is guilty of open violence.

6. He who is guilty of neglecting

Shall be imprisoned, not less than one month, nor more than 5 years, and may be condemned to the public works.

Shall be imprisoned not less than one month, nor more than 5 years; but where there is an injury and wounds, not exceeding \$ nor less than 5.

Shall be imprisoned, not less breach of trust, being a Go- than 8, nor more than 12 years, vernor, or Charge des Affaires, and condemned to the public

^{*} In cases where criminals appear to be remarkably depraved, and that the apprehensions he may excite requires such precautions, he shall be branded on each cheek with the mark of a gallows, so visibly and strongly impressed as to be effaced neither by time nor in any other manner whatever.

try, &c.

- 7. A Judge, who from corruption or passion is guilty of an abuse of judicial authority.
- 8. Accomplices who attempt to corrupt a Judge.
- 9. Attempting to counterfeit public bills of the State which circulate as money, is guilty of forgery.
- 10. Falsifying a public bill, by changing or altering it, or imitating signatures.
- 11. Coining false money resembling the Coin of the Hereditary Dominions or foreign Coin current by law, even though of equal weight and quality, or superior to the current Coin.
- 12. Coining false Money, by using a bad alloy, and by fraud giving false Money the quality of good.
- 13. Accomplices in fabricating tools for Coming.
- 14. Assisting in the escape of a prisoner.
- 15. Magistrates granting indulgencies contrary to law, &c.

neglecting the interest of the works, and may, in aggravated State, or betraying his Coun- cases, be put in the pillory. *

Idem, idem.

Not less than one month, or more than 5 years, imprisonment, and condemnation to the public works.

Not less than 30 year's imprisonment, and branding with a hot

Not less than 12, nor more than 15 year's imprisonment, and condemnation to the public works.

Not less than one month, nor more than 5 year's imprisonment, with condemnation to the public works.

Not less than 12 nor more than 15 year's imprisonment, and condemnation to the public works.

Not less than 8, nor more than 12 years, and the public works.

Not less than one month, nor more than 5 years, with condemnation to the public works.

Not less than 12, nor more than 15 years, and deprivation of authority.

16. Murder,

Imprison-

⁺ This punishment is different from the pillory in England. In the German language it fignifies an exposure on the public theatre of shame. The criminal is chained and guarded on an elevated feaffold and exposed an hour at a time, with a paper on his breaft denoting his offence.

- a man mortally so that death ensues, including all accomplices.
- 17. He who kills a man in his own defence is guilty, if he exceeded the bounds of necessity.
- 18. Murder,--with an intention to rob or steal the property of the person, or other property entrusted to his care.
- 19. Assassination by stratagem, arms, or poison.
- 20. Inducing another to commit Murder, by caresses, promises, presents, or threats, whether death is the result or not.
- 21. Duelling,---or challenging another to combat with murderous weapons on whatever reason the challenge be grounded.--- The person accepting the challenge is equally guilty, after agreeing to combat with murderous weapons.
- 22. Accomplices acting as assistants and seconds.

PUNISHMENTS.

Imprisonment, not less than 15, nor more than 30 years, the latter in cases of consanguinity.

Imprisonment, not less than one month, nor more than 5 years, and condemnation to the public works.

Imprisonment, not less than 30 years, with the hot iron, except in cruel cases, instead of rigorous imprisonment to be closely chained, with corporal punishment † every year.

Condemnation to the chain, † not less than 30 years.

Imprisonment, not less than 5, nor more than 8 years, and condemnation to the public works.—
If murder is committed, the criminal shall suffer as a murderer.

Condemnation to the chain for 30 years if death ensues, and the survivor the challenger.—If the survivor be the party challenged, to be imprisoned, not more than 12, nor less than 8, and condemnation to public works.—If neither fall, the challenger to be imprisoned, not less than one month, nor more than 5 years, and hard labour in the public works.

Imprisonment, not less than one, nor more than 5 years.

23. A Imprison

- * When a criminal is condemned to severe imprisonment, he has no bed but the floor, no nourishment but bread and water, and all communication with relations or even strangers is refused him. When condemned to milder imprisonment better nourishment is allowed; but he has nothing to drink but water.
- + Corporal punishment is inflicted with a whip, rod, or flick publicly on the criminal, the degree of punishment (within 100 lashes or strokes at one time) depends on the found prudence of the Judge.
- † The punishment of the Chain is inflicted in the following manner. The criminal suffers severe imprisonment, and is so closely chained, that he has no more liberty than serves for the indispensible motion of his body.... Chained criminals suffer a corporal punishment once a year, as an example to the Public.

- 23. A Woman with child using means to procure abortion.
- 24. Accomplices advising and recommending abortion.
- 25. Exposing a living Infant in order to abandon it to danger and death, or leave its deliverance to chance, whether the infant, so exposed, suffers death or not.
- 26. Maiming by maligant assault.
- 27. Suicide, or self-murder, without any sign of insanity.
- 28. Calumny—false accusation—injuring a man of his right, or robbing him of his good name unjustly and without proof.
- 29. Rape,—or forcibly, by associates, threatenings, or shewing weapons, overpowering and forcing a woman to submit, and shamefully abusing her by rendering her incapable of opposition.
- 30. Accomplices aiding in the commission of a rape.
- 31. Forcibly carrying a person out of the State without his will or the consent of the Magistrate, enlisting into foreign service, &c.

PUNISHMENTS.

Imprisonment, not less than 15, nor more than 30 years, and condemnation to the public works, augmented when married women.

Imprisonment, not less than one month, nor more than 5 years, and condemnation to the public works.—Punishment increased when the accomplice is the father of the infant.

Imprisonment not less than 8, nor more than 12 years, to be increased under circumstances of aggravation.

Imprisonment, not less than one month, nor more than 5 years.

The body to be thrown into the earth by the executioner, and the name of the person and crime to be publicly notified and fixed on a gallows.

Imprisonment, not less than one month, nor more than 5 years, and condemnation to the public works, to which corporal punishment may be added if the party receive injury.

Imprisonment, not less than 8 years, nor more than 12, and condemnation to public works.

Imprisonment, not less than 5, nor more than 8 years, and condemnation to the public works.

Imprisonment, not less than 15 years, nor more than 30 years, and may be augmented if the criminal is a natural born subject.

demnation to the public works.

Imprisonment, not less than 15

- secretly carrying away a Minor past the years of infancy, under the care of parents or guardians, &c.
- 33. Forcibly, and by address, getting possession of any woman contrary to her will, obtaining her consent to marry, or shameful debauchery, and carrying her from her abode; whether the design is accomplished or not.
- 34. Forcibly carrying away a woman known to be bound by lawful marriage, or under protection of parents, and without her consent.
- 35. Accomplices aiding and assisting.
- 36. Unlawful imprisonment, or keeping a person in confinement against his will and of his own private authority.
- 37. Fraud.—Obtaining the property of another by stratagem, with an evil design on his possessions, honor, or liberty, forging title deeds or contracts, or altering the same.

Perjury in a Court of Justice, assuming a false name, &c. &c. bearing false witness.

- 38. Theft, or taking a moveable from the possession of another by fraud, and without his consent.
- 39. Accomplices in Theft .- abettors and receivers, &c.

40. Robbery,

PUNISHMENTS.

Imprisonment, not less than one month, nor more than 5 years, it no injury resulted—otherwise imprisonment, not less than 8, nor more than 12 years, and condemnation to the public works.

Imprisonment, not less than 5 years, and not more than 8, and condemnation to the public works.

Imprisonment, not less than one month, nor more than 5 years, and condemnation to the public works.

Idem.

Imprisonment, not less than one month, or more than 5 years, which may be augmented in cases of damages.

Various, according to the degree of malignity—in general, by imprisonment not less than 8 nor more than 12 years, and in smaller offences, not less than 5 nor more than 8, and condemnation to the public works.

Idem.

Imprisonment, not less than one month nor more than 5 years, unaccompanied by aggravating circumstances: but in aggravated cases, imprisonment not less than 5 nor more than 8; or not less than 8, nor more than 12 years.

Imprisonment, not less than one month nor more than 5 years, and condemnation to the public works.

Imprison-

- 40. Robbery—committed alone or in company, by using violence, or forcing a person to discover effects, on which he has felonious views.
- 41. Incendiary—or he who undertakes an action from which fire may ensue, or with intention to prejudice or cause damage, with a view to profit by the disorder that takes place, shall be considered as an incendiary, whether damage ensues or not.
- 42. Bigamy.---He, who bound by the tie of lawful matrimony, concludes a second marriage with another person, single or married, is guilty of Bigamy.
- 43. He who without any ill intention, by means of poisonous merchandize, or apothecaries selling adulterated drugs, by which any person suffers danger or injury, is guilty of a civil offence.
- 44. Damage to manor child, occasioned by riding or driving carriages with too much speed, or injury received by persons incapable of guarding against danger, occasioning a wound or death, which might have been prevented by due vigilance.
- 45. Breaking Quarantine, &c. and fabricating false bills of health.
- 46. Actions prejudicial to health, or nuisances, when the necessary precautions prescribed by the laws of health are neglected in cases of dead animals. Distempers among cattle, &c. &c. 47. He

PUNISHMENTS.

Imprisonment, not less than 15 years nor more than 30.—If wounds ensue, in consequence of the violence used.—If acts of cruelty or wounds, occasioning death, then the chain to be added, &c.

Imprisonment, not less than a nor more than 12 years, and condemnation to the public works when the flames have been stifled. Setting Fire to a Camp, Magazine, Barn, Timber yard, &c. from 15 to 30 years, according to the circumstances of the case.

Imprisonment, not less than 5 nor more than 8 years, or condemnation to the public works, if the person with whom the offender contracts the second marriage was acquainted with the first.—If concealed, then imprisonment, not exceeding 12 nor less than 8 years.

Imprisonment, from one month to a year, or condemnation to the public works, if the offender has caused any immediate damage; but if the remote cause of damage, imprisonment from one day to a month.

Imprisonment, from one day to a month, to be augmented, in case death or a wound should have resulted from the accident,

By a Military Court of Justice.

Condemnation to the public works, with or without fetters, either from one day to a month, or from one month to a year.

Confine-

- 47. He who steals to the value of 25 crowns of any moveable is guilty of Thefi, which shall be proceeded against as a civil offence, when not accompanied with aggravating circumstances;—and even although of greater value than 25 crowns—Stealing Wood in a Forest—Poaching by an unqualified Person—Stealing Fruit from Trees—or Earth from open Fields—shall be considered as civil offences.
- 48. Using Frauds in playing at Games allowed by Law.
- 49. Accomplices co-operating in such Frauds.
- 50. Playing at probibited
- 51. Persons selling Merchandize at higher prices than fixed by the Police, or by false weight or measure.
 - 52. Adultery.
- 53. Contracting illegal Marriages.
- 54. Servants receiving earnest, and engaging to serve more masters than one, of who otherwise misbehave.
- 55. Masters giving Servants a false character.
- 56. Libels on another by writings or disgraceful prints, or drawings, causing injury to another.

PUNISHMENTS.

Confinement, corporal correctin, and the augmentation of the punishment if requisite,

The pillory and condemnation to the public works, in atrocious cases; also imprisonment, from one day to a month, and to make restitution.—In case of foreigners, the pillory and banishment.

Imprisonment, from one day to a month.

A fine of 300 ducats, or imprisonment.

Imprisonment from one day to a month which may be augmented.

Corporal correction, or imprisonment, from one day to a month.

Imprisonment, from one day to a month, and condemnation to the public works.

Corporal correction, or imprisonment, from one day to a month.

Imprisonment, from one day to

Condemnation to the public works, reserving the right of recompence to the party wronged.

57 Distributing

Idem.

of Morals.

Neil Offences that tend to the Corruption

CRIMES.

PUNISHMENTS.

57. Distributing or publishing the same.

Idem.

58. Actions by which danger by fire may be occasioned, such as smoking tobacco in a stable, timber yard, &c.

Corporal correction.

59. Acts of hasty petulence, leading to quarrels, assaults, and damages.

Imprisonment various, or condemnation to the public works.

60. He who wickedly insults the Supreme Being by words, deeds, or actions, in a public place, or in the presence of another person.

To be kept in the hospital destined for madmen, and to be treated like a man out of his senses, until his amendment be perfect and assured.

61. Disturbing the exercise of Public Worship, &c.

Imprisonment, from one day to a month, to be augmented by fasting and corporal correction.

62. Writers or Preachers against the Christian Religion, and Catholic Faith, &c. &c. Heresies, &c.

Pillory and imprisonment, from one day to a month, or to a year.

63. Committing Indecencies in apy public street or place. Imprisonment, from one day to a month, augmented by fasting.

64. Attempting to seduce or insult women of reputation, by shameful debauchery, and using gestures, or discourses, tending to that purpose.

Imprisonment, from one day to a month.

65. Carnal Commerce by Man with Beast, or with a person of the same sex---

Corporal correction, and condemnation to the public works, and to be banished from the place where the offence has been publicly scandalous.

66. He who consents to shameful debauchery in his house--a Barody House.

Condemnation to the public works, from one month to one year, to be augmented, when an innocent person has been seduced. second offence, the pillory.

67. Any person, man, or woman, who makes a business of prostitution, and derives profit from thence.

Imprisonment, from one month to a year.—second offence, punishment doubled, and augmented by fasting and corporal correction.

68 Dealers

Imprison-

- 68. Dealers in Books, Pictures, or Prints, which represent indecent actions.

69. Disguising in masks, and obtaining admission into

Imprisonment, from one day to one month.

69. Disguising in masks, and obtaining admission into societies, and secret fraternities not notified to the Magistrate.

Idem.

70. Harbouring in dwellings persons not known to have an honest means of living.

Criminal Offences that tend to the Corruption of Morals.

Idem.

71. Banished persons from the whole of the Austrian Dominions—returning, &c.

Corporal correction, to be doubled at each successive return, and the offender to be banished from the Hereditary Dominions.

In contemplating the various component parts of this Code, it is eafy to discover that although some features of it may be worthy of imitation, upon the whole it is not suited either to the constitution of this country, or the genius of the people.

It is, however, a curious and interesting document, from which confiderable information may be drawn, if ever that period shall arrive when a revision of our own criminal Code (in many respects more excellent than this) shall become an object of consideration with the legislature.

This Code strongly evinces the necessity for adapting the laws to the circumstances and situation of the Government and People whose vices are to be restrained.

The

The total abolition of the Punishment of death (excepting in military offences cognizable by courts martial) is a very prominent feature on this Code, which appears to have been founded in a great measure on the principles laid down by that able writer the Marquis Beccaria, in his Essay on Crimes and Punishments*, who establishes it as a maxim, which indeed will scarcely be controverted—" That the severity of " Punishments should just be sufficient to excite " compassion in the spectators, as it is intended more

* The punishment of death is not authorised by any right.—If so, how shall we reconcile the maxim, that a man has no right to kill himself.

BECCARIA, Cap. 28.

The punishment of death is a war of a whole nation against a citizen whose destruction is considered as necessary or useful to the public good.—If I can demonstrate that it is neither necessary nor useful, I shall have gained the cause of humanity.—If the experience of all ages be not sufficient to prove that the punishment of death has never prevented determined men from injuring society—if the example of the Romans—if twenty years reign of Elizabeth, Empress of Russia, be not sufficient, let us consult human nature in proof of my assertion.

BECCARIA, Cap. 28.

The death of a criminal is a terrible, but momentary spectacle, and therefore a less efficacious method of deterring others, than the continued example of a man deprived of his liberty, and condemned to repair by his labour the injury done to society.—A condition so miserable is a much more powerful preventative than the fear of death, which men always behold in distant obscurity.

BECCARIA, Cap. 28.

"if for them than the criminal.—A punishment, to be just, should have only that degree of severity which is sufficient to deter others, and no more."—This author further afferts, "That perpetual labour has in it all that is necessary to deter the most hardened and determined as much as the punishment of death, where every example supposes a new crime:—
"perpetual labour on the other hand, affords a frequent and lasting example."

Doubtless, the fundamental principle of good legislation is, rather to prevent crimes than to punish.—If a mathematical expression may be applied to the good and evil of human life, it is the art of conducting men to the maximum of happiness, and the minimum of misery.

But in spite of all the efforts of human wisdom, aided by the lights of philosophy, and unsettered by the mist of prejudice or the bigotry of darker ages.— In spite of the best laws, and the most correct system of police which the most enlightened legislature can form, it will not be altogether possible to reduce the tumultuous activity of mankind to absolute regularity, since, amidst the various opposite attractions of pleasure and pain, it is evident that human laws are not sufficient entirely to prevent disorders in society.—We can only hope for a considerable reduction of the evils that exist.—Would you prevent crimes (says the same able writer) let the laws be clear and simple;—let the entire force of the nation be united in their defence; let the laws be feared, and the laws only.

CHAP.

CHAP. XIII.

On Punishments .- The mode authorized by the ancient laws .- The period when transportation commenced .-The principal crimes enumerated which are punishable by Death .-- Idem, by Transportation and Imprisonment -The Courts appointed to try different degrees of Crimes .- Sanguinary punishments, extending to so many offences of an inferior nature, defeat the ends of justice .- The system of pardons examined :- their evil tendency.-New Regulations suggested with regard to Pardons and Executions .-- An historical account of the rife and progress of Transportation .- The expedients resorted to after the American War put a stop to that mode of punishment .- The system of the Hulks then adopted .- Salutary Laws also made for the erection of Provincial and National Penitentiary Houses .- The nature and principle of these Laws briefly explained. -An account of the Convicts confined in the Hulks for nineteen years .- The expence and produce of their labour .- An improved method of employing Convicts on public works explained .- Also in the Naval Arsenals. -The System of Transportation to New South Wales examined .- The enormous expence of this mode of punishment .- Improvements suggested, calculated to reduce the expence in future.—The erection of Penitentiary Houses recommended .- A mode suggested of selecting Convicts for different situations, so as to make their labour in all cases productive .- Reasons offered why thefe

these various Suggestions with regard to the punishment of Offenders would operate powerfully in diminishing their number, and in preventing suture Crimes.

MPERFECT in many respects as the criminal Law appears, from what has been detailed and stated in the preceding Chapter: and much as the great increase of capital Offences created during the last and present Century is to be lamented:—it cannot be denied that several changes have taken place in the progress of Society, savourable to the cause of humanity, and more consonant to reason and justice in the appropriation and the mode of inslicting Punishments.

The benefit of Clergy, which for a long period exempted clerical people from the Punishment of death in cases of selony, was afterwards * extended to peers, women, and all persons able to read, who, pleading their Clergy, suffered only a corporal punishment, or a year's imprisonment; and those men who could not read, if under the degree of peerage, were hanged.†

This unaccountable and cruel distinction was actually not removed until the 5th of Queen Anne, which extended the benefit of Clergy to all who were entitled to ask it, whether they could read or not.

In the course of the present century, several of the old fanguinary modes of punishment have been either very

^{*} By the 3d, 4th, and 5th, Will. and Mary. † Blackstone.

very properly abolished by acts of parliament, or allowed, to the honour of humanity, to fall into disuse:
—such as burning alive, (particularly women) cutting off bands or ears, slitting nestrils, or branding in the band or face; and the ducking-stool.

The punishment of death for felony (as has already been observed) has existed since the reign of Henry I. about 688 years.—Transportation was first introduced anno 1718, by the act of the 4th, and afterwards of the 6th of George I. which allowed the Court a discretionary power to order felons who were by law entitled to their Clergy, to be transported to the American plantations for seven years.

Since that period, the mode of punishment has undergone several other alterations, and many Crimes, which were formerly considered of an inferior rank, have been rendered capital; which, according to the prevailing practice, founded on the laws now in being, will be best elucidated by the following Catalogue of Offences, divided into three Classes.

1. Crimes punishable by the Deprivation of Life, and where, upon the Conviction of the Offenders, the fentence of Death must be pronounced by the Judge.

The principal of which are these following.

Treason, and Petty Treason Coining Money Murder Arfon, or wilfully and maliciously burning a House, &c.

Rape, or the forcible violation of chaftity, &c.

Sodomy, a crime against nature, committed either with man or beast

Piracy, or robbing Ships and Veffels at fea

Forgery of Bonds, Bills, Notes, Public Securities, &c. &c. &c.

Daroying Ships, or fetting them on Fire

Bankrupts not answering, or concealing their Effects

Burglary, or House Breaking in the night time

Highway Robbery

House Breaking in the day time

Privately Stealing, or Picking Pockets above One Shilling

Shop Lifting above Five Shillings

Stealing Bonds, Bills, or Bank Notes

Stealing Bank Notes, or Bills from Letters

Stealing above 40s. in any House

Stealing above 40s. on a River

Stealing Linen, &c. from Bleaching Grounds, &c.

Maiming Cattle

Shooting at a Revenue Officer

Pulling down Houses, Churches, &c.

Breaking down a Fish Pond, whereby Fish may be lost

Cutting down Trees in an Avenue, Garden, &c.

Cutting down River or Sea Banks

Cutting Hop Binds

Setting fire to Corn or Coal mines

Taking Reward for helping another to Stolen Goods

Returning from Transportation

Stabbing a Person unarmed, or not having a weapon drawn, if he die in fix Months

Concealing the Death of a Bastard Child

Maliciously maining or disfiguring any person, &c.

Sending Threatening Letters

Riots by twelve or more, and not dispersing in one hour after proclamation

Accessaries to Felonies deemed capital

Stealing Woollen Cloth from Tenter Grounds

Stealing from a Ship in Diffress

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Stealing

Stealing Ore from Black Lead Mines
Servants purloining their Master's Goods, value 403.
Stealing Horses, Cattle, or Sheep
Personating Bail
Escape by breaking Prison
Attempting to kill Privy Counsellors, &c.
Sacrilege
Smuggling by persons armed
Robbery of the Mail
Destroying Turnpikes or Bridges
Mutiny, Desertion, &c. by the Martial Law. **

2. Crimes denominated fingle Felonies, punishable by Transportation, Whipping, Imprisonment, the Pillory, and Hard Labour in Houses of Correction, according to the Nature of the Offence.

The principal of which are these following,

Grand Larceny, which comprehends every species of Thest above the value of One Shilling, not otherwise distinguished Receiving Stolen Goods Ripping and stealing Lead, &c.

* There are of these Offences (punishable with Death) branching out into a variety of shades and subdivisions, above 160 in number + upon the Statute Books.—It is earnestly to be wished, for the honour of humanity, that they were reduced, tince it is evident, that the great severity of the punishment attached to a number of inserior Offences, which Juries will ever consider as not deserving Death, must prevent Convictions, and send back many guilty criminals upon society, who, knowing this, are encouraged to go on in their mischievous pursuits.

+ Vide Introduction, pages 5, & 6.

‡ Vide Chapter XI. pages 261, 280, and 300.

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Stealing from Furnished Lodgings Setting fire to Underwood Stealing Letters, or destroying a Letter or Packet, or advancing the Postage and secreting the Money Embezzling Naval Stores Petty Larcenies, or Thefts under One Shilling Affaulting with intent to Rob Aliens returning after being ordered out of the kingdom Stealing Fish from a Pond or River Stealing Roots, Trees, or Plants, of the value of 55. Stealing Children with their Apparel Bigamy, or Marrying more Wives than one (now made transportation) Affaulting and Cutting, or Burning Clothes Coin-Counterfeiting the Copper Coin, &c. Marriage, folemnizing clandeftinely Manslaughter, or Killing another without Malice, &c. Cutting or Stealing Timber Trees, &c. &c. &c. Stealing a Shroud out of a Grave

3. Offences denominated Misdemeanors, punishable by Fine, Imprisonment, Whipping, and the Pillory.

The principal of which are these following,

Perjury, or taking a false Oath before a Magistrate, &c.
Frauds, by Cheating, Swindling contrary to the rules of common honesty, &c. &c.
Conspiracies for the purpose of injuring or defrauding others

Affaults by striking or beating another person, &c.

Stealing Dead Bodies

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Stealing Cabbages, Turnips, &c. growing

Cutting and stealing Wood and Trees

Robbing Orchards and Gardens Stealing Deer from Forests

U 2

Stealing

Stealing Dogs
Setting Fire to a House to defraud the Insurance Office
Making and Selling Fire Works and Squibs
Throwing the same when on fire about the streets
Uttering Base Money
Selling Base Money under its denominated value
Embezzlements in the Woollen, Silk, and other Manusactures
Artificers and Servants in various Trades committing Offences
Combinations and Conspiracies for raising the price of Wages

Smuggling Run Goods, and other Frauds relative to the Excise

Keepers of Bawdy Houses and other Disorderly Houses

and Customs

- Idle and Disorderly Persons described by the Act of the 17th Geo. II. and subsequent Acts, punishable with one Month's Imprisonment—namely—
- 1. Persons threatening to run away and leave their wives and children on the Parish
- 2. Persons who tipple in Ale Houses, and neglect their Families, &c. as described in the 32d Geo III. cap. 56
- 3. Persons who shall unlawfully return to the Parish or place from which they have been legally removed, without bringing a Certificate
- 4. Persons, who not having wherewithal to maintain themselves, live idly without employment, and refuse to work for the usual Wages
- 5. Persons begging in the streets, highways, &c.
- Rogues and Vagabonds described by the said Act of the 17th of Geo. II. and subsequent Acts, punishable by Six Month's Imprisonment—namely—
- 1. Persons going about as Patent Gatherers, or Gatherers of Alms, under pretence of Loss by Fire, or other casualty

Fencers

- 2. Fencers, Bearwards, Strolling Players of Interludes, or other Entertainments
- 3. Minstr. Is, (except those licensed by the Lord Dutton in Cheshire)
- 4. Perfons pretending to be, and wandering in the habit of Gypfeys
- 5. Fortune Tellers, pretending Skill in Physiognomy, Palmistry, &c. or using any Subtle Craft to deceive and impose on others
- 6. Persons playing or Betting at any Unlawful Games or Plays
- 7. Perfons who run away, and leave their Wives and Children upon the Parish
- 8. Petty Chapmen and Pedlars wandering abroad without a Licence
- 9. Persons wandering abroad, and lodging in Ale Houses, Out Houses, or the open Air, and not giving a good account of themselves
- 10. Persons wandering abroad, and pretending to be Soldiers or Sailors, without proper Certificates from their Officers, or Testimonials from Magistrates
- 11. Perfons wandering abroad, pretending to go to work in Harvest, without a proper Certificate from the Parish.
- 12. Persons having Implements of House-breaking or Offensive Weapons, with a Felonious Intent. 33d. Geo. III. cap. 81.
- 13. Persons concerned in illegal Lottery Transactions, as described in the Lottery Acts, 27th. 33d, 34th. and 35th, Geo. III.
- Incorrigible Rogues are thus described, punishable with Two Year's Imprisonment and Whipping, or Transportation for Seven Years, if they break out of Prison—namely—
- 1. Persons stiled End Gatherers, buying, collecting, or receiving Ends of Yarn in the Woollen Branch, against the stat. 13th Geo.
- 2. Persons, who being Rogues and Vagabonds, have escaped, after being apprehended, or who shall refuse to be examined by a Magistrate, or who shall give a false Account of themselves after warning them of their Punishment.

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3. Persons who shall escape out of any House of Correction before the period of their Imprisonment expires

Perfons

- 4. Perfons, who, being once punished as Rogues and Vagabonds, shall again commit the same Offence.
- There are a great many other trivial Offences denominated Misdemeanors, subject to pecuniary Fines, which being generally known and understood, are not necessary to be here enumerated.

The first and second classes of offences (which are detailed in the foregoing pages) are always tried by the superior courts, except petty larceny:—The third class comprehending every species of misdemeanor and vagrancy, which, with petty larceny, are generally tried, (with some sew exceptions,) by the Justices in their General and Quarter Sessions, where, in certain cases in Middlesex, they ast under a commission of Oyer and Terminer.—The Magistrates in Petty Sessions, and in several instances a single Magistrate, have also the power of convicting, in a summary way, for a variety of small misdemeanors, and acts of vagrancy, and of punishing the delinquents with fine and imprisonment.

It generally happens in the metropolis, that out of 2000 to 2500 prisoners who are tried for different crimes, in the various courts of Justice, above 5-6th parts are for larcenies, acts of vagrancy, and smaller offences, where the benefit of clergy either attaches, or does not apply at all; and where, of course, the major part are returned upon society, after a short imprisonment, or some corporal punishment, too frequently to renew their depredations on the public.—But a vast proportion

proportion (as has already been shewn) are always acquitted. *

In order to form a judgment of the proportion of the more atrocious offenders tried at the Old Bailey, who are, in like manner, acquitted, with the specific punishments applicable to the different offences, according to the sentences of the court, pronounced upon those that were convicted, a period has been selected, when it was natural to expect, from the immense, and indeed, unparallelled bounties which were given for seamen and soldiers, that the number of thieves and criminal people upon the town would be greatly reduced,—namely—from the month of April, 1793, to the month of April, 1794,—including eight sessions at the Old Bailey, during which period 1060 prisoners were put upon their trial, and disposed of, in the manner shewn in the following table—viz.

* It is here that the chief difficulty lies with regard to the prevention of crimes, and it will ever remain an unconquerable difficulty until fome general House of Industry can be established in the metropolis, where persons discharged for petty offences, as well as strangers, and others out of work, may have an opportunity of finding, at least, a temporary employment sufficient to maintain them;—an institution of this fort would be a work of great charity and humanity: and it is earnestly to be hoped, that the view of the subject given in this Work may induce men of opulence and philanthropy to set on soot an establishment calculated to promote such a multitude of good and useful objects*, and the more especially as with proper management it would very soon pay itself.

^{*} Vide Chap. V. page 99.

A Table showing the Prisoners tried at the Old Bailey, from April 1793 to March 1794 inclusive.

London, Mid. Perfons Of .	Perfons	Ofwhom			Prifone	ers convicte	d, and the	Prisoners convicted, and their Punishments	nts		
dlefex, and Westminster.	commit- ted for trial.	commit- acquitted ted for and dif-	Death	Transportation for 14 years.	Transpor- Transpor- Whi tation for tation for tation for imp 14 years. 7 years. ed.	Whipt and imprifoned.	ed fix months & upwards.	Transpor- Transpor- Whipt and ed fix ed three Sent to Death tation for tation for imprison-months & months & ferve the Judgment Total 14 years. 7 years. ed. upwards. otherwise King. respited, punished disposed of	Sent to ferve the King.	Judgment Total respited, punished	Total punished
London Seffions	199	70	9		ço	2	62	50	∞ .	25	621
Middlefex & Westminster.	198	497	29	-	111	38	51	49	30	91	364
	1060	*567	89	2	167	48	80	69	38	21	493

* The acquittals will generally be found to attach mostly to small offences which are punishable with death: where Juries do not confider the crime deferving fo fevere a punishment, the delinquents receives no punishment at all; and hence it is that crimes multiply and are in some degree encouraged, ariting merely from the severity of the laws. Thus it appears, that in one year, out of 1060 prisoners, only 493 were punished; of whom, 135, after a temporary confinement, would return upon the public, with little prospect of being better disposed to be useful to society than before.

But this is not all,—for of these, capitally convicted, or destined for transportation, a large proportion have been pardoned, on condition of going into the army and navy; where the Royal mercy has been accepted, but the stipulations, in many instances, evaded by pretended or real incapacity, always concealed, until discharged from confinement.

That the prefent fystems of punishments and pardons has tended, in a very great degree, to the increase of crimes, no person will deny, who will take the trouble of investigating the subject with accuracy.

The punishment of death attaching to so many crimes, which are considered by the mass of the people as of an inferior class, and not deserving so severe a doom, must ever operate in a manner injurious to the ends of public justice, by preventing convictions.

According to the prefent fystem, out of about one bundred * who are, upon an average of years, doomed

^{*} If all were convicted who are really guilty of flight offences punishable

to fuffer the punishment of death, four-fifths or more are generally pardoned † either on condition of being transported, or of going into His Majesty's service, and not seldom without any condition at all.

Hence it is, that calculating on all the different chances—encouragements to commit crimes, actually arise out of the system intended for their prevention,—first, from the hope of escaping detection and apprehension,—second, of conviction, from the means used to vitiate and suborn the evidence,—third, from the mercy of the jury, in considering the punishment too severe,—and fourth, from the interest of persons of rank or consideration in the state, applying for pardons (under circumstances where humanity becomes the friend of every person doomed to die), that the Royal mercy may be extended.

punishable with death, and who are tried every year at the Old Bailey, the number of victims to the severe vengeance of the Law would greatly exceed what is here stated as the usual average.

+ As punishments became more mild, fays an elegant writer, elemency and pardons became less necessary.—Clemency is a virtue that ought to shine in the code and not in the private judgment.—The Prince in pardoning gives up the public security in favour of an individual, and by the exercise of this species of benevolence proclaims a public act of impunity.—Let the executors of the laws be inexorable: but let the legislature be tender, indulgent, and humane.

MARQ. BECCARIA, Cap. 46.

God forbid that the author of these pages should do so much violence to his own feelings, as to convey an idea hostile to the extension of that amiable prerogative vested in The Sovereign, and which His Majesty has exercised with that regard to those feelings of humanity, and that merciful disposition characteristic of the mind of a great and good King.

These animadversions are by no means pointed against the exercise of a privilege so benign, and even so necessary, in the present state of the criminal law; —They regard only the impositions which have been practised upon so many well-intentioned, respectable, and amiable characters, who have, from motives of humanity, interested themselves in obtaining free pardons, or pardons on condition of going into the army or navy, for a vast number who are again at large, repeating acts of depredation and violence upon the public.

If these humane individuals, who interest themfelves in applications of this sort, were to be made acquainted with one half of the gross impositions which are practised upon their credulity, or of the extent of the evil consequences to society which arise from such pardons, they would shudder at the extent of the cruelty exercised towards the public, and also, in many instances, to the convicts themselves, by this false humanity. In a country where, from the great caution and humanity which mingles in that part of the criminal jurisprudence relating to the trial of offenders,—it is fcarce possible that an honest or an innocent person can be convicted of a capital offence*.—It would seem to be a good criterion, that the Royal mercy should only be extended on two indispensible conditions.

- 1. That the convict under sentence of death should, for the sake of public justice, (and to deter others from the commission of crimes) discover all his accomplices, and the robberies or other crimes he has committed.
- 2. That he should be transported, or make retribution to the parties he has injured by being kept at hard labour for life, or until ample security shall be given for good behaviour after such retribution is made.

Were this rule adopted, the public would be shielded against the re-iterated depredations of a horde of miscreants, who return upon society almost as soon as pardons are obtained; for it is a well-known sact, that many who have been pardoned, on the express condition of going into the army or navy, either never entered into his Majesty's service at all, or were dis-

^{*} It is not here meant to fay there have not been some instances, and even one of a very recent date, where an innocent man may be convicted, but they are certainly very rare, and when discovered, the Royal mercy, of course, relieves the unfortunate person.

charged foon after (as has been already hinted), owing to the discovery of some villainy which they practised, or from some pretended or real incapacity arising from bodily infirmity, such as lameness, ruptures, or convulsive sits.

The precaution not having been used of knowing for certain, before pardons* were granted, whether the parties were sit for his Majesty's service or not, and the convicts themselves carefully concealing every kind of bodily infirmity,—and the pardons containing no eventual condition of ultimate transportation in case the persons should be found unsit for the army or navy;—the result has been, that many convicts, who are now actually thieves upon the town, were almost instantly thrown back upon the public.—Some, even before they were attested, in consequence of the discovery of bodily incapacity,

* Pardons granted from August, 1792, to June, 1794.

Free pardons - - 54

Conditionally pardoned, partly for transportation,
and partly for the army, - 696

Sentences remitted, - 72

Pardons from December Sessions, 1794, to October

Sessions, 1795.

Free pardons, - - 12

Pardoned on condition of serving the King, 129

Judgment respited on the same condition 39

— 168

Aggregate Total 1002 pardoned.

and others in a very short time after they had gone into the navy or army, from the like unfitness being discovered;—from some artful device practised to procure a discharge—or from desertion.—A professed thief is never desicient in that species of artisice and resource which is necessary to rid him of any incumbrance.

This, however, is feldom taken into the calculation when humanity urges philanthropic characters to interest themselves in behalf of criminals; nor could it have been known, or perhaps believed, that so many of these outcasts of society have found means again to mingle with the mass of the people.

Reflecting on this fingular circumstance, what impression does it make on the intelligent mind?—will it not warrant the following conclusions?

- 1. That every individual restored to society in this way is the means of constituting that species of encouragement which is calculated to bring others into the same dreadful situation from which these unhappy persons have just been rescued.
- 2. That for this reason every pardon granted, without some lesser punishment, or removing the convicts from society, is a link broken in the chain of justice, by annihilating that united strength which binds the whole together.
- 3. That by removing the terror of punishments by frequent pardons, the defign of the law is rendered in a great measure

measure ineffectual;—the lives of persons executed are thrown away and sacrificed, rather to the vengeance than to the good of the public, where no other advantage is received than by getting rid of one thief, whose place, (where there are so many chances of escaping) will speedily be supplied by another.*

Nothing can fanction the punishment of death for crimes short of murder, but the terror of the example operating as a means of prevention.—It is upon this principle alone that one man is facrificed to the prefervation of thousands.

Executions therefore, while fuch examples are exhibited as feldom as a regard to the public interest will admit, ought to be rendered as terrific and folemn to the eyes of the people as possible.

The punishment now in use, considered in point of law to be next to that of deprivation of life, is Transportation.

* That able and excellent Magistrate, the late Henry Fielding, Esq. (to whose zeal and exertions in the exercise of the duties of a Justice of the Peace, in the Metropolis, the public were under infinite obligations)—manifested half a century ago, how much he was impressed with the injuries arising from frequent pardons.—Those who will contemplate the character and conduct of this valuable man, as well as that of his brother the late Sir John Fielding, will sincerely lament that their excellent ideas, and accurate and extensive knowledge upon every subject connected with the Police of the metropolis, and of the means of preventing crimes were not rendered more useful to the public. It is to be hoped however, that it is not yet too late.

It has been already mentioned that Parliament authorised this species of punishment in the year 1718-when convicts were first ordered to be fent to the American plantations.—This fystem continued for 56 years, during which period, and until the commencement of the American war in 1775, great numbers of felons were fent chiefly to the province of Maryland, where the rigid discipline which the colonial laws authorised the masters * to exercise over servants, joined to the prospects which agricultural pursuits, after some experience was acquired, held out to these outcasts. tended to reform the chief part who mingled in the fociety of that country after the expiration of their fervitude, under circumftances highly beneficial to themfelves and even to the colony: for poffeffed in general (as every adroit thief must be) of good natural abilities, they availed themselves of the habits of induftry they acquired in the years of their fervitudebecame farmers and planters on their own account, and many of them fucceeding in these pursuits acquired not only that degree of respectability which is attached to property and industry; but also in their turn became masters, and purchased the servitude of future transports sent out for sale. †

The

^{*} By the Act of George I. and 6 George III. The person contracting for the transportation of convicts to the colonies, or their assigns, had an interest in the service of each for seven or sourteen years, according to the term of transportation.

⁺ For some years previous to the commencement of the American war the adjudged services of convicts became so valuable in Maryland,

The convicts having accumulated greatly in the year 1776, and the intercourse with America being shut up, it became indispensibly necessary to resort to some other expedient; and in the choice of difficulties the system of the Hulks was suggested and first adopted under the authority of the Act of the 16th of his present Majesty.

The legislature, uncertain with regard to the success of this new species of punishment, and wishing to make other experiments, an act of the same session* empowered the Justices of every county in England to prepare houses of correction for the reception of convicts under sentence of death, to whom his Majesty should extend his Royal mercy, to be kept at hard labour in any house of correction, specificed by the Secretary of State, for a term not exceeding ten years.

The same act, among many other excellent regulations, ordered the convicts to be kept separate, and not to mix with any offenders under the degree of petty larceny—and also that they should be fed with coarse

Maryland, that contracts were made to convey them without any expence whatfoever to Government, who had formerly allowed 51. a head, for the reasons already assigned; they generally were more adroit and had better abilities than those who voluntarily engaged themselves to go to America.

^{* 16} George III. cap 43, feet. 1st, 3d, and 11th, anno 1776.

inferior food, water, and small beer, withour permission to have any other food, drink, or cloathing, under certain penalties:—they were also to be clothed at the public expence.

And as an encouragement to these delinquents while such as refused to work were to receive corporal punishment, those who behaved well had not only the prospect held out of shortening the period of their confinement, but also were to receive decent clothes, and a sum of money not less than forty shillings, nor more than five pounds when discharged.

This very falutary act was followed up three years afterwards by another statute, * which had two very important objects in view.

The first was to erect, in some convenient common or waste ground, in either of the counties of Middlesex, Essex, Kent, or Surry, two large penitentiary Houses, the one to hold 600 male, and the other, 300 semale convicts, with proper storehouses, workhouses, and lodging rooms; an insurary, chapel, and burying ground—a prison, kitchen garden, and airing grounds, with proper offices, and other necessary apartments.

The expence of these grounds and erections was to be paid out of the Treasury, and his Majesty was

* 19 George III. cap. 74. empowered

empowered to appoint three persons as a Committee of management for regulating the establishment under the control of the Justices of the Peace of the county, and Judges of Assize, with power to appoint a clerk, governor, chaplain, surgeon, or apothecary, store-keepers, and task-masters; and also a matron for the semales—and to allow salaries to each, which were to be paid out of the profits of the work.

As foon as the buildings should be completed, the Court, before whom any person was convicted for a transportable offence, might, in lieu thereof, order the prisoner to be punished in any of these penitentiary houses, by being kept at hard labour in the proportion of 5 years instead of 7 years transportation, and not exceeding 7 years in lieu of 14 years transportation—limiting at the same time the number of convicts to be sent annually from the circuits in the country, and from the different sessions in the metropolis.

This act lays down various specific rules for the government of the establishment, and for the employment of the prisoners, and the following works as being of the most service kind, and least liable to be spoiled by ignorance, neglect, or obstinacy, are selected, namely—

- 1. Treading in a wheel for moving machinery
- 2. Drawing in a capstan, for turning a mill or engine

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- 2. Sawing stone
- 4. Polishing marble
- 5. Beating hemp
- 6. Rasping logwood
 - 7. Chopping rags
- 8. Making cordage
- 9. Picking oakum
- 10. Weaving facks
- 11. Knitting nets, &c. &c.

The food of the different offenders, as in the former act, is limited to bread and any coarse meat, with water and small beer, and to be clothed with uniform apparel, and badges affixed, agreeable to the institution.

Certain other rules were established for the discipline of the house, under the direction of the Committee to be appointed by his Majesty, who were to attend every fortnight, and to have power to reward such offenders as should appear most diligent and meritorious, by giving them a part of their earnings to be applied for the use of themselves and families.

And when an offender should be discharged, decent clothing was to be delivered to him, with a sum of money for present subsistence, not less than twenty shillings nor more than three pounds.

The fecond purpose of this act (and which is the only part of it which was ever carried into effect) regards the continuation of the fystem of the Hulks.

It declares that for the more effectual punishment of atrocious male offenders liable to be transported, the

the Court may order fuch convicts as are of proper age, and free from bodily infirmity, to be punished by being kept on board ships or vessels and employed in hard labour in raising sand, soil, and gravel, and cleansing the River Thames, or any other river, or port, approved of by the Privy Council, or in any other works upon the banks or shores of the same, under the direction of superintendants approved of by the Justices, for a term not less than one year, nor more than five, except any offender be liable to transportation for 14 years, in which case it may be commuted for 7 years on board the Hulks.

The mode of feeding is the fame as already explained, and the clothing is to be at the discretion of the superintendant.—A similar descipline, varied only by local circumstances, was also established—and on the discharge of any of the convicts, they were to receive for present subsistence from 20s. to 31. according to circumstances.

The concluding part of the act obliges the governors and superintendants of the two establishments to make annual returns to the Court of King's Bench, and also authorises His Majesty to appoint an inspector of the two penitentiary bouses—of the several vessels or bulks on the river Thames, and of all the other gaols and places of criminal consinement within the city of London and county of Middlesex, personally to visit every such place of consinement at least once a quarter, to examine into

the particulars of each, and to make a return to the Court of King's Bench, of the state of the buildings—the conduct of the officers—treatment of the prisoners—state of their earnings and expences—and to follow up this by a report to both Houses of Parliament, at the beginning of each Session.*

It is much to be lamented that neither of these two salutary acts, which, so far as regarded penitentiary houses, seemed to hold out so fair a prospect of employing convicts, in pursuits connected with productive labour, industry, and ultimate reformation, without sending them out of the kingdom, have been carried effectually into execution;—for in the year 1784, the system of transportation was again revived, by the act of the 24th of His present Majesty, cap. 56, "which empowers the Court, before whom a male selon shall be convicted, to order the prisoner to be transported beyond seas, either within His Majesty's dominions or elsewhere, and his service to be assigned to the contractor who shall undertake such transportation."

The same act continues the system of the Hulks for a further length of time, by directing the removal of convicts under sentence of death, and reprieved by His Majesty, and also such as are under sentence of trans-

^{*} The very useful system of inspection here alluded to, does not appear to have been at least generally sollowed up;—If properly executed, unspeakable benefits to the public would unquestionably result from it.

portation (being free from infectious diforders) to other places of confinement, either inland or on board of any ship or vessel in the river Thames, or any other navigable river, and to continue so confined until transported according to law, or until the expiration of the term of the sentence should otherwise entitle them to their liberty.

This plan of transportation, through the medium of contractors, (although some selons were sent to Africa) does not appear to have answered, from the great dissiculty of finding any situation, since the Revolution in America, where the service of convicts could be rendered productive or profitable to merchants, who would undertake to transport them; and hence arose the idea of making an establishment for these outcasts of society in the infant colony of New South Wales, to which remote region it was at length determined to transport atrocious offenders.—Accordingly, in the year 1787, an act passed,* authorizing the establishment of a Court of Judicature for the trial of offenders who should be transported to New South Wales.

Another act of the following year,† empowered Hi, Majesty, under His Royal Sign Manual, to authorize any person to make contracts for the transportation of offenders, and to direct to whom security should be given for the due personnance of the contract.

^{* 27}th George III. cap. 2. + 28th George III. cap. 24.
Under

Under these various legislative regulations, the two systems of punishment, namely, the Hulks and transportation to New South Wales, have been authorized and carried into execution.

The fystem of the Hulks commenced on the 12th day of July, in the year 1776,† and from that time until the 12th of December 1795, comprehending a period of nineteen years, 7999 convicts have been ordered to be punished by hard labour on the river Thames, and Langston and Portsmouth harbours, which are accounted for in the following manner.

1. Convicts	ordered to	hard labour on	the River	
Thames,	from 12th	July 1776 to 1:	2th January	
1788	-		-	202

2. Convicts, under sentence of transportation, put	on .
board the Hulks on the river Thames, from 1	ıth
January 1783, to 12th December 1795 -	4775

3. Convicts, under fentence of transpo-	rtation, put on	
board the Hulks in Langston and Po		
bours, received from the Hulks, at		
the 20th of June 1791	dedučt 466	
	-	4309
	Carried over	6333

[†] In a financial view, (the fystem of the Hulks) is entitled to very serious attention; from the year 1776 to 1789, £220,873 was expended in maintaining the Convicts on the Thames.

Sir John Sinclair's Hift. Revenue, Vol. II. page 89.
Additional

	egousian		Brough	t over	6333
Additional	Convict	fent from	different pr	isons to	rift Charles
			791 to ift D		mothyl
1795	0000	211	Marine Marine	1200	Go ives
	add those	from Woo	olwich as above		
10 which	aud thoic				1666
				Total	7999
Of the above	Convicts	there have	been		.,,,
discharged	-	-1	_	1610	1-11-11
pardoned	_	-	_	790	
escaped			_	130	
c.c.f.				- 2530	
Removed to	other Gad	ols		. 17	
Transported			5	2207	
Died *		_		1946	
Dica				1940	
				6700	
And there re	main in th	e Hulks o	n the Thames		
And at Lang				776	
And at Lang	ton Tiarb	our			
				1299	
			Total as above	e	7999
		rding to the	eir sentence, l		
following p					
From Woolwi	ich	Conv.	Langston		Conv.
Anno 1796	-	3	Anno 179		15
1798	-	29	17		7
1799		183	179		79
1801		142 52	180		150
1802	_	34	18		120
1806	-	5	18	02 — .	106
1807	-	6			-
1808	-	2	**	r 1.c	677
				For life	99
	For life	456 67	. 1	Total	776
	Total	523			
* A malion		-	riod, carried	off a vaft num	nber, in
pite of every	effort to	prevent it.	and carried	u	
					The

The contractors for the convicts at Woolwich and Langston Harbour, (as appears from documents laid before the House of Commons) entered into an agreement with the Lords of the Treasury, obliging themfelves for the consideration of 1s. 3d. per day, (being f.22 16s. 3d. a year for each convict, to provide at their own cost or charges, one or more bulks, and to keep the fame in proper repair, and also proper ships' companies for the fafe custody of fuch convicts, who are also provided at the expence of the contractors, with fufficient meat, drink, clothing, and medical affifiance, who are likewise bound to sustain all other charges (excepting the expence of the chaplain, coroner, and bounties to discharged convicts) * obeying, at the fame time, all the orders of His Majesty's principal Secretary of State for the Home Department, relative to these convicts.

The terms of these last contracts appear to be as favourable for Government as could reasonably be expected under all circumstances; and the advantages to the public are the more prominent, as it appears from

* This expence, by an account laid before the House of Commons, for one year, ending the 15th Feb. 1792, appears to be—

Expence of Chaplain, Coroner, and Bounties for Convicts at Woolwich — 221 17 4

Idem, at Langston and Portsmouth Harbours — 153 19 8

Total £375 17 0

the

the same documents laid before the House of Commons, that the labour performed by the convicts is productive, in a certain degree,—as the following statement will show:

From the 1st January 1789 to the 1st January 1792, it appears that 653,432 days work had been performed at Langston Harbour, Portfmouth, and Woolwich Warren, and being estimated at 9d. a day, is — 24,503 14 and

From the 1st January 1789 to the 1st January 1792, it also appears that £60,440 days works had been performed at the dock-yard at Woolwich, which being partly performed by artificers in a more productive species of labour, is estimated at 1s. a day — 13,022 0

Total value of Convicts' labour in 3 years* 37,525 14

From these statements it would appear, that the estimated labour of the convicts on board the Hulks, amounts to about 3-5th parts of the actual expence which is incurred in their maintenance.—While confiderable improvements have been made with regard to the reduction of the expence; while it is evident that provision has also been made for religious and moral instruction by established salaries to chaplains;—

^{* 500} Convicts were employed at Woolwich, and 510 at Langston and Portsmouth, at the time these Accounts were made up; making in all 1100 Persons.

and while the contractors appear to have honourably performed their part of the undertaking, it is much to be lamented that this experiment has not been attended with more beneficial confequences to the public, not only in rendering the labour of the convicts productive in a greater degree, so as at least to be equal to the expence, but also in amending the morals of these miferable fellow mortals, that on their return upon fociety, they might in some respect atone for the errors of their former lives, by a course of honest induftry, ufeful to themselves and to their country: but experience has shewn that many of them, instead of profiting by the punishment they have fuffered (forgetting they were under the fentence of death, and undifmayed by the dangers they have escaped) immediately rush into the same course of depredation and warfare upon the public; and fo hardened and determined in this respect have some of them been, as even to make propofals to their old friends, the receivers, previous to the period of their discharge, to purchase their newly acquired plunder.

Others who are less depraved, and perhaps disposed to amend their conduct, can find no resource for labour after they return upon society. And thus, while the honest part of the community resuse to employ them, they are compelled to herd with their somer associates in iniquity, and the result is that the major part return to their old courses, and the public are in a worse situation than before.

Reflecting on this fystem of punishment taken in connection with the various facts already detailed in this Work, it would seem practicable, by some improved arrangements, even to render the Hulks an useful establishment, without the hazard of those injuries to the public, which are at present experienced.

To effect this purpose, it must be laid down as an invariable principle, that the labour must be such as to cover every expence whatsoever, and that no convict guilty of death shall be permitted to return upon society without security for good behaviour.

By felecting those atrocious offenders who have forseited their lives without any claim to mercy, as the only convicts who shall ever be employed in the Hulks, and by adjudging them to serve in a course of hard labour during the whole of their lives, a more dreadful example* would be held out to their affociates in iniquity than even the punishment of death itsels: and little doubt can be entertained, that while these forlorn outcasts might be rendered in some degree useful, their condition, and the dread of a similar doom, would deter many others from the commission of crimes.

^{*} Vide Chap. XI. where this proposition is fully elucidated and explained in pages 258, 260, 261, 262, 282, and 300.

Whoever shall, from habit or education, be able to mingle in a discussion of this fort, a general know-ledge of the common affairs of life, with the information which is attached to the duty of a Magistrate relative to this branch of the criminal jurisprudence of the country, will at once perceive, that there exists much more resource for the profitable employment of convicts, than will occur to those whose thoughts and pursuits have run in a different channel.

In every part of Great Britain, the labour of man has become extremely valuable. While the extensive manufactures of the country occupy the more ingenious handicrafts, men are often, nay always wanting for the more laborious occupations of digging canals,—removing earth for embankments,—quarrying stones of different kinds, both for building and pavements; working on the highways—at allum works, and in raising ore from the numerous mines in different parts of the country, where there is an inexhaustible resource for human labour.

It has been already observed in the course of this Work, (and it is an observation that well deserves attention) namely, "That it rarely happens that an atrocious offender, or a professed thief, is not an ingenious, elever man."—He must be a man not only of resource, but possessing that firmness of mind and courage, which, if usefully and virtuously employed, would

would have raifed him above the sphere that many of this class appear to occupy in society.

Why, therefore, fhould not the public reap the benefit of this ingenuity in its fullest extent, as far as shall be confistent with safe custody?

While the labour of man is fo valuable;—while fo many public and private undertakings are going on in this country requiring this labour, and even in many inflances rendering that of convicts more defirable than any other, from the certainty of having the labour performed in a given time, arifing from the legal discipline which must enter into the system of controul and fafe custody, where neither the alebouse, nor the boliday rambles will disappoint the employers: in this, as well as other respects, convicts would be superior to the general run of labourers; -they would be under more subordination; -their labour would therefore be more productive in the course of a year, and those disappointments which occur, where labourers leave the fervice of their employers on fudden or important emergencies, would not be felt.

Upon a subject of this kind, of all others the most important to society, which has been discussed in the course of this Work, it is not necessary to bazard vague or uncertain speculations.—To men of business, and men of the world, the resource now suggested for the

the useful employment of convicts is obvious and practicable at first view.—The labour of man carried to its fullest extent, where a body of people are collected together, may be estimated, at the present period, on an average, at 1s. 8d. a day, even in the coarsest and most service employment;—but if authority could be exercised, and unnecessary interruptions of labour prevented, the average would be equal to two shillings at least: and hence it may be fairly concluded, that to any contractor who had the means of employing able bodied convicts, their services, while in health, would be worth about £30. a year.

This will be more obvious, when it is taken into the calculation, that many of these unhappy people have been bred to useful mechanical employments, which might render their labour extremely productive; while others, by constant practice, in even the coarsest works, soon acquire a sleight or facility in the execution, which enables them to double, and sometimes to treble their earnings in the course of a year.—This has been manifested in innumerable instances in removing earth, or making embankments for canals and inland navigations.—A stranger to this species of labour, of the greatest bodily strength, cannot, at the outset, earn near so much money as a person of not half the athletic powers who has been accustomed to such work.

The fame reasoning applies to every kind of labour: and therefore if convicts, destined to servile employments for life, are not at first able to earn the usual wages, constant practice, aided by their own natural genius, will foon enable them to reach the ne plus ultra of human exertion, so as to render them valuable acquifitions to many enterprifing and ufeful affociations in this kingdom, who would not only be able to give ample fecurity for their fafe custody, but also for the due performance of every other covenant which might relate to the preservation of health, and to the food, cloathing, hours of labour, and religious and moral instruction of such convicts :- And also to the allowance in money to be made to each out of their earnings: for fuch encouragements should be held out, not only to fosten the rigour of the punishment in proportion to the good behaviour of the convict, but also to affift in the support of the families of those who have wives and children, or to make restitution to those they have injured .-

Let the experiment only be tried at first on a small scale, and if the Author of these pages is not much mistaken, applications would be made by persons of great respectability, and even premiums offered for an assignment of the services of convicts under such circumstances; thereby shielding the public against a very heavy annual expence, and rendering useful and productive to the country the labour of the most mischievous part of the community, whose atonement

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in this manner for the injuries they have done to fociety, by being more immediately under the eye of the public, would probably go further in preventing crimes than (as has been already fully explained)* even death itfelf, or any other mode of punishment that could be devised.

But if it shall not accord with the wisdom of the legillature to permit the labour of convicts to be let out on contract to any person who can give proper security for performing the covenants which may be required, there are other methods of rendering their exertions useful, by dividing them among the different dock-yards; -affigning a particular place where they shall work by themselves, in moving and fawing large timber, -- forging anchors, -- and also in making cordage, where, under proper management, their labour would in a very fhort time yield, at least, double the fum neceffery to maintain them, which would afford a liberal resource for those pecuniary encouragements which would reconcile them to their lot, and induce them to exert all their vigour in rendering their labour productive.

The great error has been in permitting convicts to be at large upon fociety, after herding together under circumstances where the certainty of liberty within a known period, excites no other wish than to return to their former crimes, encouraged and fortified by the knowledge they have acquired in these seminaries of wicked-

^{*} Vide Chap. XI. Pages 258, 259, 260, 261, and 262.

wickedness, not only of the means of eluding the detection of officers of justice, but also of evading the law, if they should be apprehended.

When an atrocious offender has forfeited his life by the laws of his country, and is ready to drop into the grave, and with the dread before his eyes (in many inftances realized) of being placed upon the table of an Anatomist for diffection:—where is the hardship of giving him an option to accept of perpetual labour, as the price of life?—Yet this has been thought too severe, as appears by the acts of the legislature quoted in this Chapter.

Reflecting, however, on the operation of this species of punishment; in point of manual labour, the hardship to be imposed is no more than every honest artisan, who works industriously for his samily, must, during the whole course of his life, impose upon himself.—The conditions of a convict would even in some respects be superior, inasmuch as he would have medical assistance and other advantages tending to the preservation of health, which do not attach to the lower classes of the people, whose irregularities, from not being restrained, and whose pursuits and labours, by not being directed by good judgment and intelligence, often produce bad health, and extreme poverty and distress.

But although it would feem to be an indifpenfible

Y 2 rule

rule for the purpose of preventing crimes, that no offender who has been condemned to death, should ever be at large upon fociety again, it is by no means meant to infinuate that the Royal mercy should be flut against all these unhappy outcasts; -God forbid! -It may happen that some of them may well deserve mercy after certain probation, and the hope of obtaining it should still be kept alive; but when granted, in this as well as in every other case, it surely would be greatly for the interest of the public, and all persons applying for pardons should previously understand that (if free pardons) they could only be obtained on the express condition of the applicants themselves, or at least two responsible persons becoming bail for the good behaviour of the convict for at least feven years, and that fuch bail should forfeit a certain sum of money if any new crime was committed within that period.

This is furely a reasonable request wherever pardons are granted: for while every convict who is thus let loose upon society, after forfeiting his life, may be reasonably supposed to increase the risk of public injury; a right attaches to the community to expect some security against such additional hazard.—And this will probably be granted with the less reluctance, as those generally who interest themselves in procuring pardons, do it either from a belief of the convict's innocence, or from a strong impression that he never

never will again offend against the laws of his country.

Having thus fuggefted fuch expedients as have occurred for improving the fystem of the Hulks, and punishments, by labour in this Country, it now remains to examine the facts regarding the prefent mode of Transportation of convicts to New South Wales, with a view to confider how far any practicable improvements can be introduced into that fystem.

The most prominent objection is not to the species of punishment: but to the enormous expence attending it, * which could not possibly have been forefeen at the time, otherwife it would probably have never been adopted.†

The

South

- * Sir John Sinclair (whose indefatigable, difinterested, useful, and patriotic exertions can never be forgotten while there is any gratitude in the nation) in his History of the Public Revenue, published in 1700, vol. ii. page 80, makes use of the following words:
 - "About £100.000. has already been laid out in at-" tempting to establish a very unpromising Colony in " New South Wales .- At the most moderate calculation, " the punishment of petty felons, if the fame measures " are purfued, will cost above £ 50.000. per annum : an " article which has not as yet been stated in any estimate

 - " of the permanent expences of this Country."

f From the accounts and papers which were laid before the House of Commons relative to the Convicts transported to New

The first embarkation to New South Wales commenced in 1787, and in the month of May in the following year, 1030 male and semale convicts were landed on the new colony. In twenty-one months after, there were 77 deaths

South Wales, and ordered to be printed, the 8th of April 1791, and the 10th and 26th of March 1792: the following expences appear to have been incurred in the course of about four years.

1. Expence of the Civil Establishment of			
New South Wales, from the year 1787,	£.	5.	d.
to the 10th of October 1790 -	13.190		
2. Expence of the Military Establishment from the year 1787, to the 1st of January 1791	29.669	16	
	29.009	10	-
New South Wales as far as the fame could be made up on the 9th of Fe-			
bruary 1791 — —	161.075	17	2
4. Cost of Provisions and Stores which have been fent to New South Wales for the maintenance and support of the			
Settlements there, as far as the fame could be made up on the 9th of February 1791	84.553	4	81
5. Expences of His Majesty's Ships Syrius, Supply, Guardian, and Gorgon, sent on fervice to New South Wales	95.601	0	0
		_	_
Total (printed by order of the House of Com- mons) 8th of April 1791 Carried over	384.090	15	81
	1. I	Expe	nce

deaths and 87 births in the fettlement, which was divided, by placing a part of the convicts in Norfolk Island, a small fertile spot, containing only about 14.000 acres of land; and situated about 1200 miles distant from Sydney Cove, in New South Wales; where the seat of government is fixed.—In this project, considerably above half a million of money has been

Brought over

£384.090 15 87

- t. Expence of provisions and fundry articles fent to South Wales, including bills drawn on account of Convicts fent thither per account, made up to the 7th of Feb. 1792 £ 22.179 12 6
- 2. Expence of provisions and stores sent to New South Wales, for the support of the Convicts, including bills drawn, per account, made up to 23d of Feb. 1792 53.551 17 05
- 3. Expence of Cloathing, tools, and implements of husband-ry, shipped in the Pitt Transport, reported 16th of Feb. 1792 7.937 5 4
- 4. Expence of cloathing and necessaries, shipped in the Kitty Transport, reported 16th of Feb. 1792

195 00

Carried over

£83.863 14 101 £384.090 15 84

expended.—A circumstance, which certainly shews the great anxiety of Government to devise means of

Brought over £.83.863 14 101 £384.090 15 84

5. Specie, shipped to New
South Wales in the Kitty
Transport, reported 16th
of Feb. 1792 - 1.001

6. Cloathing and other articles, ordered to be provided by an order of Treafury, dated 5th of January 1792, estimated by report 16th of Feb. 1792, at 12.000 0 0

Total (printed by an order of the House of Commons, 10th and 26th of March 1792)

96.864 14 101

Aggregate Total £480.955 10 71

* * By the above mentioned document, the future civil establishment is fixed annu-

Future annual charge of the military establishment 6134 7 3

Total, from 1791 to 1792 9.990 7 3

Total expence, as far as it could be made up

till February 1792 - £ 490.945 17 104

Establishment till the above period, namely, from 1787 to 1791, inclusive, must have been about 5000: as nearly as a judgment can be framed from the public documents.

punishment

punishment calculated to rid fociety of these irreclaimable outcasts, who were daily accumulating, and pressing for the adoption of some expedient to prevent their return upon the public.

Like all new colonial fettlements, great struggles, fevere hardships, and difficulties were experienced at the outfet, and for fome years after, heightened in a very confiderable degree by the immense distance from the mother country,—the vast length of the voyage, and the difficulty and uncertainty of fending regular supplies, which were often felt (notwithstanding the attention of the executive government) as a ferious evil, fince the principal support of the Colony, for the first three years, depended chiefly on the provisions, stores, and cloathing, which were sent from England; and although with regard to mere subsistence, there is now a prospect of the Colony becoming independent of supplies from this Country, yet with refpect to cloathing and all other articles, its wants will experience no diminution, and humanity requires that they should be supplied.

When the measure of making a settlement in New South Wales was determined upon, a hope was probably entertained that while the great expence of a passage home, joined to the sertility of the soil, and the salubrity of the climate, would induce convicts to remain after the expiration of their banishment, so as not to become troublesome again in their native coun-

try; the transportation to an unknown region, inhabited by savages, and placed at such a remote distance from England, would exhibit this species of punishment in a light so terrific as to prove the means of preventing crimes.

Experience, however, has shewn not only that this salutary effect has not been produced; but that the great distance of New South Wales has not proved a bar to the return of a considerable number of the more atrocious and adroit thieves, several of whom are known to be again upon the town.

If the aged or infirm therefore were fent out, they alone would, in process of time, become the chief inhabitants of the colony, and would prove a dead weight upon Government as long as they existed.

Confidering the very remote distance of this new Colony, it is much to be lamented, that no immediate prospect is held out of any of its productions ever becoming a valuable article of commerce in Europe.—This circumstance, by depriving the inhabitants of the power of making any returns for the supplies of cloathing and other European articles, which their necessities require, joined to the great expence of conveying such supplies, encourages no hope of the national expence being materially diminished (excepting with

with regard to the articles of provision) for a great length of time. *

Disappointed therefore in most of the expectations which were formed of the early ability of the new inhabitants at least to supply all their own wants, a defire to reduce the national expence annually incurred, or at least to keep it within moderate bounds, will suggest the idea of limiting the transportation of selons to those more atrocious offenders, (connected with gangs of thieves in the metropolis) who are not only in the full vigour of youth and health, so as to support themselves by their own labour, but also of that description in point of rooted depravity as to render it dangerous to hazard their mixing with convicts unacquainted with the vices of the metropolis, or others, who might, according to the idea already suggested, be rendered useful in their native country.

But while a felection is thus fuggested, a confiderable difficulty arises, which certainly was not in the contemplation of the legislature, when the system of transportation to New South Wales was first devised.

—What is to become of those convicts who are aged, lame, ruptured, epileptic, or otherwise incapaci-

tated

^{*} The cultivation of Indigo feems to hold out the only prospect of enabling the new colonists to pay for the supplies which must necessarily be fent them.—The climate would feem to be well calculated for the production of this article, and it might be right to order experiments to be made.

tated to work in agricultural pursuits?—they cannot be sent to so distant a region, without, in the first instance, doing violence to the seelings of humanity, by hazarding their death upon so long a voyage; or, if they arrive, of entailing upon the public a great additional expence, by supporting them as long as they exist.

While this class (who are not seldom the most criminal) can be supported at home, at, perhaps, 1-5th of the annual expence, some means may be devised of employing them in penitentiary houses, so as to render their labour at least equal to their support, and hence arises the necessity of establishing, perhaps four modes of punishment for selons guilty of death or transportation.

- I. To felect the most docile and the least depraved convicts, who have either been recently led astray, or have been convicted of crimes committed in the country, and who do not at all belong to any gang or criminal association in the metropolis; to be employed either in the dock yards, or their services made over to persons engaged in public works, who would agree to feed and clothe them, and to make them certain allowances for the support of their families, from the produce of their labour—and this without any expence to the public.
- II. To felect those very atrocious offenders who are able to work, but too far advanced in life to answer the expence of fending them to New South Wales, and to confine them, during life, in the hulks, to labour in raising ballast in the River

River Thames, or to perform fervile work in the public arfenals, under circumstances where every attention should be paid to their health and religious instruction.

- III. To felect the most depraved and hardened convicts, in the vigour of life, who belong to gangs of rogues, and have extensive criminal connections in the metropolis, who have been long upon the town as professed thieves and burglars, and transport them to New South Wales for life.
- IV. To felect the aged, infirm, lame, ruptured and epileptic convicts, who have been under fentence of death, and confine them for life in penitentiary houses, allowing them, as an encouragement to labour as far as they are able, one moiety of the net profits of their earnings after all expences are paid.

This mode of disposing of these unhappy outcasts, while it tended greatly to reduce the present expence, would, when combined with the other regulations which are proposed, operate very powerfully in reducing the number of crimes, as well as criminal offenders, and of course the number of convicts in suture.

Examples of punishment in immediate executions solemnly conducted, where the great enormity of the offence rendered so dreadful a facrifice necessary for the good of the public; joined to the exhibition of others doomed to work on the highways or at public works in the view of the great body of the people; while a third class is beheld in the forlorn state of perpetual imprisonment

imprisonment in the Hulks, without hopes of pardon, unless under extraordinary circumstances of good behaviour, and where security can be found; and a fourth banished from their country for ever;—would, perhaps, prove the most merciful arrangements that could be made for the prevention of crimes and the happiness and security of the mass of the people;—and from the melancholy picture which has been exhibited in the preceding pages of this volume, it is but too evident that for the purpose of extending security and even mercy, to the public at large, something strong and energetic has become indispensibly necessary.

Penitentiary houses, in which it is proposed to confine diseased convicts, have, for the last twenty years, been confidered as a very popular mode of punishment; and it cannot be fufficiently lamented that the excellent laws now in being for giving energy and effeet to this fystem have been so partially carried into execution:-for in spite of all the disappointments which have been experienced as to expected utility, where fuch houses have been erected, the error, upon a minute examination, will be found, wherever fuccefs has not attended the experiment, to originate in the executive management, which require an affemblage of qualities, dispositions, and endowments, which are fupposed rarely to meet in any one man-namely, the education and habits of a complete man of business and refource, generally acquainted with the common affairs of

of life—possessing an active and discriminating mind, and indefatigable industry, joined to a philanthropic disposition—the purest morals, and no hurtful propersity or turn for any idle anusement;—and withal a person (so qualified) to whom such a situation would prove convenient and comfortable.

That there are such men to be found (although rare) is unquestionably true. And it is reasonable to presume that public advertisements, joined to adequate encouragements, would bring men of great merit and discretion forward, whenever it shall become the system to have recourse to such a mode of application.

Under fuch superintendance there would be little danger with the resources which the metropolis affords, of finding good and productive labour suited to the situation and former pursuits of the convicts, while equal attention would be bestowed on the means of working their reformation, and of restoring the less criminal to society, after a certain period, with a prospect of becoming more useful and peaceable members of the community.

It is earnestly to be hoped, therefore, that the good intentions of the legislature will not be descated, and that the salutary measure of building and improving penitentiary houses in the different counties will be carried into effectual execution, pursuant to the all of

the 16th of His present Majesty already mentioned.

—And if in addition to this, the national penitentiary houses for male and semale convicts, proposed to be built in the vicinity of the metropolis, by the act of the 19th of George III. (and since very recently enlarged by the 34th of His Majesty, cap. 84.) shall be carried into execution, a most useful resource will be afforded not only for the consinement of the sourch class of aged and diseased convicts, but also for those who are convicted of larcenies and misdemeanors, and whose punishment does not extend to transportation.

This last description of convicts are extremely numerous, as has been already shewn, * of whom many hundreds, after a short imprisonment, are thrown back every year upon society, without reformation,—without character,—without friends,—and without the means of subsistence.

The result is painful to reslect upon.—They generally resort to new crimes, to which they are seldom ill disposed, from the education they have received in the schools of prosligacy, which they have recently left, and by this kind of gradation the slight offender becomes a complete villain.

Let an appeal be made to the feelings of humanity

^{*} Vide general view of Prisoners punished and discharged in one Year, page 250.

in behalf of these early victims to vice and criminality, and let their unhappy fituation plead for the eftablishment of the local and national penitentiary houses which the legislature has authorifed; that in the progress of their future punishment, while the link of connection with their affociates in mischief, is destroyed, they may be arrested in the career of villainy, and after a course of labour, sobriety, and religious and moral instruction, joined to good and judicious discipline, accurately carried into execution, they may be also restored to society, with minds freed from depravity, and with those habits of industry and that dispofition to lead a new life which will entitle them to hope for employment by means of a certificate of good behaviour calculated to rescue them from the dreadful flate of being outcasts of fociety, and to afford them. at least, some chance of supporting themselves by honest labour when they are at large upon the world.

These propositions are not the refinements of spe culation doubtful and uncertain in their issue.

The whole fystem accords either with what has been already suggested in substance and effect by the legislature, or what has been conceived to be practicable, under the control of an able and active superintendance.

If imperfections in the progress of the execution of the design shall be discovered, other remedies will

occur.—And in a matter of fo much importance to fociety, as well as to the cause of humanity, no good man will withhold his advice or affistance, wherever it may be required, in perfecting a plan, the object of which is to rescue thousands yet unborn from misery and destruction.

CHAP.

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CHAP. XIII.

The Police of the metropolis examined .- Its organization explained, with regard to that branch which relates to the prevention and suppression of crimes .-The utility of the new System cstablished in 1792, examined and explained .- Reasons assigned why this syltem has not tended in a greater degree to the suppression and prevention of atrocious crimes .-- Its great deficiency from the want of funds, by which Magistrates are crippled in their exertions, with regard to the detection and punishment of offenders .- Reasons in favour of a new System-The Police of the city of London (as now constituted) explained and examined .- Suggestions relative to established Justices, and the benefits likely to refult from their exertions in affifting the City Magistrates, from whose other engagements and pursuits, that close and laborious attention cannot be expetted which the public interest requires .- The Magistrates of London the most respectable, perhaps, in the world. The vaft labour and weight of duty attached to the Chief Magistrate. -- The Aldermen have certain duties assigned them, which ought not, in justice, to be augmented, where men all gratuitously.—The benefits which refult to the community from established Police Magistrates, considered in different points of view, and exemplified in the advantages which have arisen from the System under the act of 1792.—General reslections on the advantages which would arise from the various remedies which have been proposed in the course of this Work .- These benefits, however, only of a partial nature, inadequate to the object of complete protection, Z 2

for want of a centre-point and superintending establishment, under the controul of the first Minister of Police. -Reasons assigned in favour of such a system. The advantages that would refult from its adoption .- A Short view of the annual expence of the present Police establishment. - A reduction, or more useful appropriation of these funds would probably be the result of the proposed establishment .- The ideas of enlightened foreigners on the Police of the metropolis explained .-Reflections suggested by those ideas. - Observations on the Police of Paris previous to the revolution in France, elucidated by anecdotes of the Emperor Joseph the IId. and Monf. De Sartine .- The danger of an inundation of foreign sharpers and villains on the return of peace. The situation of Europe requires, and the necessity of a well-regulated police points out the utility of an auxiliary Board of Commissioners for managing the Police .- Their duty explained under twelve different beads .-- Further explanations, tending to elucidate the remedy proposed.

AVING in the preceding Chapters endeavoured to bring under the review of the reader, not only those prominent causes which have occasioned that great increase of public wrongs which every good man must deplore, but also the various classes of delinquency, which fill up the melancholy catalogue of human depravity,—as well as such observations and facts relative to detections, trials, and punisoments, as seemed to be necessary for the purpose of elucidating a subject of great

great importance, to be understood by all ranks of fociety; it remains now to explain and develope the *System* which has been established for the purpose of shielding the public from those enormities which have been already detailed, and from which is to be expected that energy, and those exertions, which have been shewn to be so indispensibly necessary for the suppression and prevention of crimes.

The Police of this great metropolis is undoubtedly a fystem highly interesting to be understood, although heretofore (as far as the Author has had access to know) it has never been, at any period, fully explained through the medium of the Press; --- and hence it is, that a vast proportion of those who reside in the capital, as well as the multitude of strangers who refort to it, have no accurate idea of the principles of organization which move fo complicated a machine, establishing those conveniences and accommodations, and preferving that regularity which prevails in those particular branches of Police which may be denominated municipal regulations, fuch as paving, watching, lighting, cleanfing, and removing nuifances; furnishing water; the mode of building bouses; the syftem established for extinguishing fires, and for regulating coaches, carts, and other carriages; with a variety of other useful improvements, tending to the comfort and convenience of the inhabitants.

This important part of the fystem, however, not falling within the criminal department, is reserved for the next Chapter. With With regard to that branch which is connected with the prevention and suppression of crimes; it has been already stated in this Work, that twenty-fix Magistrates, forming that respectable body, comprehending the Lord Mayor and Aldermen, sit in rotation every forenoon, at the Mansion house, and at Guildhall, and take cognizance of all matters of Police within the ancient jurisdiction of the city of London*

* The following Gentlemen are at present (June 1796) in the Magistracy of the City of London, and have jurisdiction within its ancient limits.

Aldermen according to Seniority.

Wards

Alae	rmen according to Sentority.	waras.
1761	Right Hon. Thomas Harley,	Bridge Ward without
69	John Wilkes, Esq.	Farrington without
72	Sir Watkin Lewes, Knt.	Lime street
72	Sir William Plomer, Knt.	Bassishaw
74	Nathaniel Newnham, Esq.	Vintry
76	Richard Clarke, Esq.	Broad-street
77	Thomas Wright, Esq.	Candlewick
31	William Gill, Esq.	Walbrook
82	William Pickett, Esq.	Cornhill
82	John Boydell, Esq.	Cheap
82	Sir John Hopkins, Knt.	Castle Baynard
83	Sir James Sanderson, Knt.	Bridge within
84	Paul Le Mesurier, Esq.	Dowgate
84	Brook Watson, Esq.	Cordwainers
85	Thomas Skinner, Esq.	Queenhithe
85	Rt. Hon. Wm. Curtis, Ld. Mayor	r, Tower
85	Sir Benjamin Hammett, Knt.	Portsoken
86	William Newman, Esq.	Farrington within
86	G. M. Macaulay, Esq.	Coleman-street
89	J. W. Anderson, Esq.	Aldersgate-street
90	Harvey C. Combe, Esq.	Aldgate
90	Sir Richard Carr Glyn, Knt.	Bishopsgate-street
93	Stephen Langston, Esq.	Bread-street
93	William Staines, Esq.	Cripplegate
95	Sir John Eamer, Knt.	Langborne
95	William Lushington, Esq.	Billingsgate
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Sir John William Rose, Knt. Recorder of London, a Magistrate, holding rank above the Aldermen who have not served the office of Lord Mayor.—He assists at the General and Quarter Sessions of the Peace, and in the principal affairs of the City, but does not sit in rotation.

Mr. Newman, Clerk to the Lord Mayor, a sitting Alderman at the Mansion-house

Mr. Whittle, Clerk to the sitting Alderman at Guildhall.

while

while twenty-four established Magistrates have been appointed for every other part of the metropolis,* having particular offices or courts of justice assigned

* The following are the Public Offices in the Metropolis (exclusive of the city of London) and the respective Magistrates who preside, and the Clerks who efficiate at each.

	Bow-street, Covent Garden	William Addington, Efq. Nicholas Bond, Efq. Richard Ford, Efq. Meff. Lavender and Davies	Magistrates Clerks.
fer-	The following 32d, and continuated in May	ng seven Public Offices were established by th nued by a subsequent Act of the 36th of His pres 1796, &c. &c.	e Aft of the fent Majesty,
Wenninner-	Queens Square St. Margarets, Westminster	Cranley Thomas Kerby, Efq. Henry James Pye, Efq. James Pettit Andrews, Efq. Meff. Arthur Gliddon and Peter Kerby	Magistrates Clerks
	Great Marlbo- rough-street, Oxford Road	Nathaniel Conant, Efq. John Scott, Efq. Philip Neve, Efq. Meff. Henry Peach Butler and John Thornton	Magistrates Clerks.
	Hatton Garden, Holborn	Richard Clark, Efq. William Bleamire, Efq. Aaron Graham, Efq. Mest. A. Todd and W. Upton	Magistrates Clerks
Middlefex.	Worship-street Finsbury Sq.	John Floud, Efq. Patrick Colquboun, Efq. William Browne, Efq. Meff. Charles Lush and James Chalmers	Magiffrates Clerks
	Lambeth-street, Whitechapel	Thomas Bernard, Esq. Rice Davies, Esq. Henry Reynett, D. D. Mess. John Smith and J. Bailey	Magistrates Clerks
	High-street, Shadwell	George Storie, Efq. John Staples, Efq. John Nares, Efq. Melf. James Rowfwell and George Skeene	Magistrates Clerks.
Surrey.	Union-street, Southwark	Gideon Fournier, Esq. Benjamin Robinson, Esq. Jonathan Slonard, Esq. Mess. David Campbell and J. A. Jallicoe	Magistrates Clerks.

N. B. The whole Fees and Penalties taken and received at the above feven Offices, established by Act of Parliament, are paid in to the Receiver for account of the Public, and the whole expences of the Establishments are defrayed from the funds placed in his hands for that purpose.

them at convenient distances in Westminster, Middlefex, and Surry, where they sit every day (Sunday excepted) both in the morning and evening, for the purpose of executing all those multifarious duties, connected with the office of a Justice of the Peace, which unavoidably occur in large societies.

This inflitution of established Justices (except with regard to the three Magistrates at Bow-Street) was fuggested to the Legislature, in consequence of the preffure which was felt by the public, from the want of fome regular and properly-conflituted tribunals for the distribution of justice; where the system should be uniform; and where, from the purity of the Magiftrates, and their regular attendance, no inconvenience should be felt by the lower orders of the people, either with regard to the adjustment of their differences at the least possible expence, or with respect to that affiftance which they might derive from the gratuitous advice of the Magistrates of the district, to whom they might have an opportunity of reforting under every difficulty, as well as for their official aid, wherever it fell within their sphere to affift them.

The duty of these established Magistrates, (in conjunction with other Justices of the Peace, who find it convenient to give their assistance,) extends also to important judicial proceedings, where in a great variety of instances they are empowered and required to bear and determine, in a summary way, particularly in cases

cases relative to the customs, excise, and stamps,—the game laws,-hawkers, and pedlars-pawnbrokersfriendly focieties-bigbways,-backney coaches, carts, and other carriages, - Quakers and others refusing to pay tythes-appeals of defaulters in parochial ratesmisdemeanors committed by persons unlawfully pawning property not their own-bakers for fort weight, &c .journeymen leaving their services in different tradeslabourers not complying with their agreements-diforderly apprentices—alebouse keepers keeping disorderly bouses nuisances by different acts of Parliament-acts of vagrancy by fraudulent lottery insurers-fortune tellerspersons of evil fame in avenues to public places, with an intent to rob-as well as a multitude of other offences, where Justices have power to proceed to conviction and punishment, either by fine or imprisonment.

The duty of the Magistrates also extends to a vast number of other objects, such as licensing public bouses, and establishing rules and orders for publicans, watching over the conduct of publicans—swearing in, charging and instructing parochial constables and headboroughs from year to year, with regard to their duty—issuing warrants for privy searches, and in considering the cases of persons charged with being idle and disorderly persons, or rogues and vagabonds, liable to be punished under the act of the 17th of George II. and subsequent acts of Parliament.—

^{*} Vide Tract on Public Houses, by a Magistrate of Police, published anno 1796, by Dilly in the Poultry.

—orders to parish officers, beadles and constables, in a variety of cases—in parish removals—in billeting soldiers—in considering the cases of poor persons applying for assistance, or admission to workhouses—in granting certificates and orders to the wives of persons serving in the militia, and also in attesting recruits for the army—in examining aliens, and in granting them certificates—in attending the General and Quarter Sessions of the peace, and in visiting the workhouses, bridewells, and prisons.

In addition to these various duties, a multitude of criminal cases occur in the course of a year, which are examined for the purpose (if necessary) of being sent to superior tribunals for trial:—such as charges of treason, murder, coining, and uttering base money, arson, manssaughter, forgery, burglary, larceny, sedition, selonies of various descriptions, conspiracies, frauds, riots, assaults, and misdemeanors of different kinds:—and which cases unavoidably impose upon every official Magistrate, a weight of business requiring great exertions, and an unremitting attention to the public interest in the due execution of this very important trust.

When the police fystem was first established in the year 1792, the public mind became impressed with an idea that the chief, if not the only, object of the institution was to prevent robberies, burglaries, and other atrocious offences, and that the suppression of those crimes which pressed hardest upon society, and

were most dreaded by the public at large, was to be the result.

But while fuch expectations were formed, neither the powers nor authorities granted by the act of Parliament, nor the other duties imposed upon the Magistracy of the Police were understood.

It is not generally known, and, perhaps, will fcarce be believed, that the statute under which the established Magistrates act, (useful as it certainly is in many other respects,) does not contain even a single regulation applicable to the prevention of crimes, except that which relates to the apprehension of suspected characters, found in the avenues to public places, with intent to commit felony, who are liable to be punished as rogues and vagabonds,—and even this does not extend to the city of London.

But this is not all—an establishment is created without the most necessary of all engines to give the exertions of the Magistrates, vigour and essection,—namely, a pecuniary fund to destray the expences of detecting criminal people, and of rewarding those who bring informations useful to public justice.

The expence of each Public Office being restricted to two thousand pounds a year, and the establishment in salaries, rents, taxes, and other contingencies, exhausting that sum, nothing remains for one of the most necessary

necessary purposes of the institution-the prevention and the suppression of crimes.

It is in vain to expect that either vigour or energy can enter into that part of the fystem, where a great deal of both are necessary, without funds.

If criminal people, at war with the community, are to be detected—if risks are to be run to effect this purpose—if it is to be done, as it must be frequently, at the hazard of the loss of health, and even of life, by watching desperadoes in the night time-if accurate informations are necessary, either to discover where stolen property is deposited, or where the delinquents are to be found; a fund must be provided, or the public cannot be protected.—Those whose province it is to watch over the police must not expect that men capable of giving them useful information will come a fecond time, if they have not fome adequate reward bestowed upon them for their labour, risk, and trouble. -- Without fuch power of granting small rewards, fo far as that part of the duty of a Magistrate which relates to the discovery of property plundered, and the detection of the offenders is of importance to the public, he is placed in the fituation of a person pledged to work without tools or implements of labour, by which he can in any respect accomplish his purpose. And hence it is, that among the numerous causes which have been affigned in the course of this Work for the increase of crimes,—this is none of the least.

Not that it is meant that any additional burden on the public, by an extensive expenditure of money, would be necessary—a very moderate sum judiciously and economically laid out, would bring to Commissioners of the Police, or to the disbursing Magistrates, through some medium or other, an early account of most of the depredations committed upon the public, as well as every circumstance relative to coiners and fellers of base money, so as to lead to the detection and apprehension of most of those offenders to whom such informations may apply, and thereby strike fuch an univerfal terror, as (when affifted by the other falutary regulations proposed in this Work) would foon reduce the number of thieves, coiners, and other delinguents, and of courfe, diminish the ultimate and great additional expence which follows conviction, in all cases where selons are either transported or sent to the Hulks.

In this view of the subject it would prove a regulation calculated greatly to reduce the aggregate expence—for surely, if five guineas judiciously laid out, in the first instance, would save fifty afterwards, to the state, it must be a wise and a good arrangement,—and in this way it would probably operate.—But this would not be the only saving to the nation:—by preventing crimes all those concerned in projects of mischief, must, instead of preying upon the industry of others, assist the State, by contributing their share to the national stock of labour.

Next to the want of a fufficient pecuniary fund, the most obvious deficiency in the present system of executive Police in the metropolis, is that which regards the Magistracy of the city of London, where the case is precisely reversed; for there the funds for the detection and discovery of offenders, may be made as ample as the corporation fhall think fit: but where the want of a flipendiary establishment must prevent the operation of that fystem of vigour and energy, which the increase of criminal people, and the present state of society require.

This can only be expected where there are Magiftrates with falaries, pledged to devote their whole time and attention to the object.

Wherever this is necessary (and few will venture to fay that it is not fo in the metropolis, as well as in many of the large provincial towns,) it is in vain, and it would be even unjust, to expect either a regular attendance, or that indefatigable industry which the public interest requires, from Magistrates acting gratuitoufly.

Where men of education, deemed fit to fill an office of fuch importance in the Country, pledge themselves, as they must necessarily do, to give up every other pursuit, and to bend their whole attention to objects of public utility in executing the laborious duties of a Police Magistrate; - justice also requires that the reward

reward should be commensurate to the sacrifices which are made.

It is the interest of the community that it should be so: for in the present extended state of commerce and society, where public wrongs have so much increased, and where appeals to Magistrates have also multiplied in so great a degree, no gratuitous system can ever be expected to answer any purpose of real utility, where large bodies of people are collected together.

If the higher order of Magistrates receive the just reward due for that useful labour, bestowed in the exercise of their functions in promoting the public good—where is the impropriety of extending the same species of remuneration to inserior Magistrates, devoting even a greater portion of time and attention to the multifarious duties assigned them?

Under the various pressures which have been detailed in the course of this Work, and which form so many prominent seatures of Police, requiring the constant and watchful eye of the Magistrate, it would seem to be clear to demonstration, that unless it becomes the sole business and pursuit of the parties engaged in such official duties, the public interest must suffer, and (although imperceptible in their progress,) crimes will increase and multiply, at a time when the comfort, happiness, and security of society require that they should be diminished.

The Magistrates of the city of London form a body. perhaps the most respectable, able, and independent of any in the world; but besides the unavoidable, important and multiplied affairs of the Corporation, in attending the various Courts of the Lord Mayor-Aldermen — Common - council — Common - hall — Wardmotes - Confervancy - Court of Requests -Court of Orphans—and General and Quarter Seffions of the Peace, and Justice Hall at the Old Bailey, they have other private avocations and engagements in business which must necessarily occupy their minds, and therefore it cannot reasonably be expected that they should forego their own important private interests, and bestow upon the business of the public that unremitting labour and attention, which the preffure, arifing from the great increase of criminal offences, feems to require. *

Nor is this at all necessary, fince it may be easy to procure a few able, active, and honourable men, to whom, as affisting Magistrates, this task might be assigned, and who would give their whole attention to the criminal department of the Police, aided by the Al-

^{*} The Author having had occasion to represent to a late chief Magistrate of great worth and respectability, the enormous evil arising from base coin:—He very judiciously observed, that to do any good in shielding the public against this species of offence, it would require the mind of a Magistrate to be given up to that object alone.—This pointed and accurate remark elucidates, in an eminent degree, the necessity of Magistrates with falaries, in all large communities.

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dermen of the city as often as one or more could conveniently attend, on which occasions they would necessarily preside, as holding within their own district a higher rank in the Magistracy.

The difference in point of benefit to the community between a mind conftantly occupied in objects of public utility, and that which is only occasionally employed, is great beyond all possible calculation—nor is the measure without precedent, even in the city of London, since the high Office of Recorder may fairly be considered in the light of a Magistrate with a salary.

With the increase of those bleffings which are supposed to arise from a course of prosperity and wealth, there is generally an increase also of pressures and inconveniencies; and hence it is that while an influx of riches preponderates in one scale, an augmentation of crimes acts as a counter-balance in the other:—thus requiring the constant and progressive application of such antidotes and remedies as will preserve the good, while the evil is diminished or kept within bounds.

It would feem that the metropolis is now in that fituation where the active and unremitting attention of Magistrates with falaries has become necessary to promote a vigorous and energetic execution of the law,

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for the general protection of property, and the fafety of individuals *.

The chief Magistrate of the first city in the world, cannot, in the nature of things, while the immense load of municipal affairs, joined to his own private concerns, presses constantly upon his mind, bestow either time or attention in considering the cases of criminal delinquents brought before him, or of following up informations, and devising plans necessary to detect offenders: and yet this detail of duty even from the pass vagrant to the most atrocious villain is imposed on him by ancient immemorial custom and usage, at the very moment when he is overpowered with other official business of great magnitude and importance, which can be transacted by no other person.

In this fituation, preffed and hurried with constantengagements, inseparable from the functions and dig-

^{*} If this were the case, neither the Bank nor the avenues to every part of Cheapside, &c. would be beset with gangs of rogues and sharpers, both men and women, who support themselves principally by the resource which the vast amount of moving property, in money and portable goods, affords them in this part of the metropolis + where it would appear, capital offenders are rarely detected since at the Old Bailey, those convicted in the course of a year, from the city and county, run in the proportion of about 1-7th part for London and 6-7th parts for Middlesex. ‡

⁺ Vide Chap. V. Pages 97, 98, 101, 102, and 108.

Vide Table, Chap. XI. Page 250.

nity attached to his high office, and the general government of the city:—A Lord Mayor is just beginning to understand the duties attached to the chief Magistracy, at the period when he must lay it down.

The other Magistrates of the city having had a precise line of duty anciently chalked out, when commerce and society had made little progress, the same system continues; nor would it be either reasonable or proper to expect an augmentation of labour, or a greater proportion of time from Magistrates who serve the public gratuitously.

If, in consequence of the great accumulation of the statute laws requiring the attention of Magistrates in a vast number of instances, which did not occur a century ago;—if, from the encrease of crimes, as the natural consequence of wealth, that duty which the public interest renders necessary to be performed, has so multiplied as to require the whole attention of Magistrates acting in great societies; then it follows as a matter of course that stipendiary Justices have become indispensibly necessary.

Where men of business, integrity, and talents, accept of such situations, and execute the trust reposed in them with zeal and attention to the public interest, and with firm and independent minds, attached to no

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party, infinite advantages must result to the community from such services.*

Ready on every occasion at their sittings in the morning and evening, to offer their advice or assistance to the labouring people, as well as all ranks of the community, who apply for it—to adjust their differences, and to protect them against wrongs and oppressions;—prepared also, as a matter of business, to receive and follow up informations where crimes have been committed, and never to lose sight of the object while it is practicable to attain it, infinite advantages would arise from the city Magistrates being thus assisted, and from those of the Police co-operating with a combined system of energy, established upon a plan similar to their own with equal powers, and the same extent of jurisdiction.

It is a well-known fact, that fince the eftablishment of Police Magistrates for Westminster, and those parts of Middlesex and Surry, contiguous to the city of London, infinite advantages have been experienced from the affistance and advice which have been afforded to the indigent, and the ignorant.

* A Police Magistrate has nothing to do with the politics of the country, and he is incapable, and unworthy of the trust reposed in him, if he permits any bias, or influence, but that which is immediately connected with a correct and chaste execution of the laws to take hold of his mind,—It is only by this line of conduct, that he can either render himself useful or respectable.

Many quarrels and little law-fuits have been prevented, and innumerable differences immediately reconciled without any expence.

It is in this manner that Magistrates, acting up to the spirit of their public duty, and bestowing their whole attention upon whatever relates to that duty, confer those obligations upon the community which no moderate remuneration can repay.

It is not like other public fituations;—for the bufiness is multifarious, and admits of no recess or vacation.—It is constant, laborious, and without intermission*.

In the month of October 1793, a respectable Committee, representing the great body of the Manusacturers in Spitalfields, waited on His Majesty's Principal Secretary of State for the Home Department, with an Address of Thanks for the establishment of the Police System, the substance of which is as follows:—

That it is the opinion of this Society that great benefits have arisen, with regard to the security of property, from the correct and regular manner in which the judicial business has been conducted by the Magistrates of Police, in consequence of whose vigilance and attention, an effectual check has been given to a system of depredation which heretofore occasioned a loss of many thousands per annum to the Silk Manusacturers:—And it was Resolved,—"That the Thanks of this Society are due to the Right Honourable Henry Dundas, one of His Majesty's Principal Secretaries of State; and also to Mr. Burton, and the other Members of Parliament, who proposed and supported the Police System, for the share they had in the establishment of a judicial tribunal, which has been sound to extend to the Silk Manusacturers, many advantages in a just and proper execution of the laws which were not heretofore experienced."

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But with all these advantages, even improved by competent funds appropriated to the different public offices, still a center point is wanted to connect the whole together, fo as to invigorate and strengthen every part by a fuperintending establishment, under the immediate controll of (the first Minister of the National Police) the Secretary of State for the Home Department, where indeed the constitutional fuperintendance of the Police of the metropolis as well as of the whole country, rests at present: but where, from the vast weight and encrease of other public bufiness, connected with the general affairs of the State, both foreign, colonial, and domestic, it has been found impracticable to purfue that particular fystem which has now become more than ever necessary for the detection of criminal persons, and hence it would feem that in executing a talk fo complicated and multifarious, a delegation of subordinate responsible management should be resorted to as the only means of giving strength, vigour, and energy to a fystem, heretofore only partially useful and incapable in its present disjointed state of extending that protection and fecurity which has been fhewn in the course of this Work, to be so much wanted, and fo indispensibly necessary.

Looking at the phalanx of criminal delinquents of all denominations, whose evil pursuits require to be constantly watched for the good of the public, with a view view to the prevention of Crimes .- Looking also at the various useful arrangements which might be made for the advantage and protection of the community, by connecting the different Public Offices with an active, able, and intelligent superintendance. -Confidering the extensive benefits which would arise from the interposition of a responsible Agency, on whom would devolve the subordinate care and directon of the general Police of the metropolis, under circumstances where, by the introduction of order, method, and arrangement, and by the efforts of labour and exertion, conftantly and unremittingly bestowed, a complete history may at all times exist of the connections, plans of mischief, and pursuits of the chief part of the criminal, mischievous, or fraudulent persons, who refide in, or refort to the metropolis, whether natives or foreigners, forming, from fuch materials, a general register of every known offender, and establishing, by that means, a clue for detection as often as any charges are exhibited against them.

To understand the Police of the metropolis to that extent which is necessary to direct and superintend its general operations, it must be acted upon practically, and those who undertake this superintendance and management must be men able, intelligent, prudent, and indefatigable, devoting their whole attention to this object alone, under circumstances where the name and place of abode of every criminal and suspicious character in the metropolis, with his usual pursuits, should, by means of a

general

general and alphabetical register, be constantly in the view of these auxiliaries to His Majesty's Principal Secretary of State for the Home Department, to whom this important and laborious trust should be affigued. and that no means may be left untried for the purpose of rendering those registers correct; clerks might be employed with great advantage in entering and posting up under the proper heads, such new information as may be obtained from day to day, and hours appointed for receiving fuch intelligence from all proper and well-informed persons who should chuse to offer the fame fo far as fuch information related to public wrongs, and offences against the peace, fafety, and well-being of fociety.-A conftant and regular correfpondence might also be kept up with country Magistrates, from which would be derived infinite advantages.

Under such a system, with power to remunerate those who were sound to be useful to the public for their labour and loss of time and where all information centered in one spot, scarce a Robbery, Burglary, Larceny, or fraudulent Transaction, could be committed, where the perpetrators would not be very speedily detected and brought to justice; for then the Magistrates in their respective districts, while aided by such information, would be enabled to act with considence, vigour, and energy, in the discovery and apprehension of offenders;—and the effect of such a system would be to excite a general terror in the minds of every class of delinquents,

linquents, which could not fail to operate strongly as a means of preventing crimes, and of course of improving the morals and the happiness of the lower orders of the people.

In addition to this, these responsible auxiliary agents or commissioners under the direction of His Majesty's Principal Secretary of State, might, with great propriety, and with no little public utility have committed to them the labour of receiving, disbursing, and keeping the accounts of all monies applicable to objects of Police, and to lay the same annually before Parliament, if required, accompanied by a general report, that the legislature, as well as the public at large, might see in what manner the same had been applied, and what progess had been made in the prevention of crimes, and in restoring among the labouring people that sense of morality which never, perhaps, was at a lower ebb than at present.

The difbursements which are now made, communibus annis, on account of the Police system, are supposed to exceed, in a considerable degree, any estimate which may have been formed in the public mind relative to this branch of the national expenditure.

Exclusive of the enormous sums paid for supporting prisoners, &c. out of the different county rates, and by the city of London for Newgate, this expence may be estimated nearly as follows:—viz.

at Bow Street, paid out of the Civil Lift Revenue.

£ s.d.

2. The Expence of the feven Public Offices, fituated in Queen's-square, and Great Marlborough Street, in Westminster—Hatton Garden—Worship Street—Lambeth Street, White-chapel, and High Street, Shadwell, in the county of Middlesex, and Union Hall, in the borough of Southwark, in the county of Surry, average £2000. paid out of the consolidated fund

14.000 0 0

3. The average amount of what is paid out of the Civil List Revenue to the different Sheriffs for the conviction of Felons.

20.000 0 0

4. The annual Expence of Convicts on board the Hulks at Woolwich, and Langston Harbour, prefuming the average number to be 1200 Convicts, and that the whole expence including bounties to discharged Felons, and the allowance to the Chaplains and Coroners, at £25. each

30.000 0 0

5. The estimated Expence of transporting Convicts to New South Wales and Norfolk Island, including the supplies of provisions and necessaries for the Colony, and the Expence of the Civil and Military Establishment, &c. &c. &c.

50.000 0 0

It is supposed upon good grounds that by devoting more time and attention to the object, so as to understand every part of the minutiæ, the public would be shielded from a good deal of unnecessary expence, and by a system of greater æconomy, considerable sums would be saved for more useful purposes, independent of what would unquestionably arise from lessening the number of trials and convictions by the prevention of crimes:—for certainly the great object is to reduce the number of delinquents, who are now an immense burden on the public, by the establishment of arrangements which shall render it difficult and hazardous in the extreme to commit offences.

The most enlightened foreigners, who, by visiting the metropolis of the Empire, have contemplated the nature and organization of our police system, join in one general remark upon it—which is this:—

"That we have some shadow of Police for apprebending delinquents after crimes are actually committed, but none for the purpose of preventing them."

This, certainly, is in one fense, literally true;—and from this source, combined with the imperfection of the criminal code, have arisen all those pressures, enormities, and frauds, which have been detailed in the course of this Work.

Attached as the Author is to the laws and govern-

ment of his country, even to a degree of enthulialm. he will not be too prone to feek for greater perfection in other nations, or to quote them as examples to be imitated in the metropolis of the British Empire, and still less if such examples should tend, in the slightest degree, to abridge that freedom which is the birthright of every British subject: but as all true liberty depends on those fences which are established in every country, for the protection of the persons, and property of the people, against every attack whatsoever: and as prejudices ought to be banished from the mind in all discussions tending to promote the general weal, we ought not to be ashamed of borrowing good syltems from other nations, wherever fuch can be adopted, confiftent with the configution of the country, and the liberty of the fubject.

In France, under the old government, however much many parts of the fystem of that country was justly reprobated by all who were acquainted with the blessings of freedom, yet in the management and regulation of what was denominated the Police, there existed that kind of establishment, with regard to personal security and protection against the depredations of the most depraved part of the community, which Englishmen have certainly never enjoyed, and which inconveniencies and pressures have been suffered from an idea (certainly a very erroneous one) "that we must endure these public wrongs, and expose our property

and lives to the attack of murderers, robbers, and highwaymen, as the price of liberty.

When preffures are felt, it is our duty to look at them with dispassion, to face them with fortitude, and to discuss them with intelligence—divested of all those prejudices which are generated by habit and education.

By purfuing this mode of investigation, it will be discovered that in other governments there may be some establishments worthy of imitation, and which, perhaps, might in part be adopted, not only perfectly consistent with the freedom of the subject, but with the advantage of extending to the mass of the people who are not in a course of delinquency, more real liberty than they at present enjoy.—

At the commencement of the troubles in France, it is a curious fact, that the Lieutenant General of the National Police, as well as that of the metropolis, had upon his registers not less than twenty thousand names of suspected and depraved characters, whose pursuits were known to be of a criminal nature, and yet by making this branch of Police the immediate object of the close and uniform attention of one branch of the executive government, Crimes were much less frequent than in England, and the security extended to the public, with regard to the protection of life and property

perty against lawless depredation was infinitely more.

To elucidate this affertion, and to shew to what a wonderful height the system had advanced:—the reader is referred to the following anecdotes which were mentioned to the Author by a foreign minister of great intelligence and information, who resided some years at the Court of France.

- "A merchant of high respectability in Bourdeaux had occasion to visit the metropolis upon commercial business, carrying with him bills and money
- " to a very large amount.
- "On his arrival at the gates of Paris, a genteel looking man opened the door of his carriage, and
- " addressed him to this essed :- Sir, I have been
- " waiting upon you for some time; according to my notes
- " you were to arrive at this bour; and your perfon,
- " your carriage, and your portmanteau, exactly answer-
- " ing the description I hold in my hand, you will permit
- " me to have the honour of conducting you to Monfieur
- " De Sarline."

The gentleman aftonished and alarmed at this interruption, and still more so at hearing the name of the Lieutenant of Police mentioned, demanded to know what Monsieur De Sartine wanted with him; adding at the same time, that he never had committed any offence against the laws, and that he could have no right to interrupt or detain him.

The messenger declared himself persectly ignorant of the cause of the detention; stating at the same time, that when he had conducted him to Mons. De Sartine, he should have executed his orders, which were merely ministerial.

After some further explanations, the gentleman permitted the officer to conduct him to the hotel of the Lieutenant of Police.

Monf. De Sartine received him with great politeness; and after requesting him to be feated, to his great aftonishment he described his portmanteau, and told him the exact fum in bills and specie which he had brought with him to Paris, and where he was to lodge, his usual time of going to bed, and a number of other circumstances, which the gentlemen had conceived could only be known to himself .-- Monsieur De Sartine having thus excited attention, put this extraordinary question to him.-" Sir, are you a man of courage?-The gentleman still more astonished at the fingularity of fuch an interrogatory, demanded the reason why he put such a strange question, adding at the same time that no man ever doubted his courage. Monf. De Sartine replied, -- " Sir, you are to be robbed " and murdered this night! - If you are a man of courage, " you must go to your botel, and retire to rest at the usual " bour : but be careful that you do not fall asleep; neither " will it be proper for you to look under the bed or into any " of the elefets which are in your bed-chamber (which he · 66 accurately

" accurately described); -you must place your portmanteau in its usual situation, near your bed, and discover " no suspicion ;-leave what remains to me .- If, bow-" ever you do not feel your courage sufficient to bear you " but, I will procure a person who shall personate you, " and go to bed in your flead."-After some further " explanation, which convinced the gentleman that " Monf. De Sartine's intelligence was accurate in " every particular, he refused to be personated, and " formed an immediate refolution literally to follow "the directions he had received:-He accordingly " went to bed at his usual hour, which was eleven " o'clock .- At half past twelve (the time mentioned " by Monf. De Sartine) the door of the bed-chamber " burst open, and three men entered with a dark lant-" ern, daggers, and piffols .-- The gentleman, who of " course was awake, perceived one of them to be his own " fervant.—They rifled his portmanteau undiffurbed, " and fettled the plan of putting him to death.-The " gentleman, hearing all this, and not knowing by " what means he was to be refcued, it may naturally " be supposed was under great perturbation of mind "during fuch an awful interval of fuspense, when, at 46 the moment the villains were preparing to commit "the horrid deed, four Police Officers, acting under "Monf. De Sartine's orders, who were concealed " under the bed, and in the closet, rushed out and " feized the offenders with the property in their pol-" feffion, and in the act of preparing to commit the " murder."

The consequence was, that the perpetration of the atrocious deed was prevented, and sufficient evidence obtained to convict the offenders.—Mons. De Sartine's intelligence enabled him to prevent this horrid offence of robbery and murder,—which, but for the accuracy of the system, would probably have been carried into execution.

Another anecdote was mentioned to the Author by the same Minister, relative to the Emperor Joseph the Second, who having in the year 1787 (as has been already observed in the 11th chapter) formed and promulgated a new code of laws relative to criminal and civil offences,* and having also established what he conceived to be the best system of Police in Europe, he could scarce ever forgive the French nation in consequence of the accuracy and intelligence of Mons. De Sartine, having been found so much superior to his own, notwithstanding the immense pains he had bestowed upon that department of his government.

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[&]quot;A very notorious offender, who was a subject of the Emperor, and who committed many atrocious acts of violence, and depredation at Vienna, was traced to Paris by the Police established by His Majesty, who ordered his ambassador at the court of France to demand that this delinquent should be delivered up to Public Justice.—

^{*} Vide Chap. XI. Pages 288 to 301.

B b "Monf.

- "Monf. De Sartine acknowledged to the Imperial Ambassador, that the person he enquired after had
- been in Paris ;-that, if it would be any fatisfaction,
- "he could inform him where he had lodged, and the
- " different gaming-tables and other places of in-
- " famous refort which he frequented while there;
- -but that he was now gone."-

The Ambassador, after stating the accuracy and correct mode by which the Police of Vienna was conducted, insisted that this offender must still be in Paris, otherwise the Emperor would not have commanded him to make such an application.

Monf. De Sartine smiled at the incredulity of the Imperial Minister, and made a reply to the following effect:—

- "Do me the honor, Sir, to inform the Emperor,
- " your master, that the person he looks for left
- "Paris on the 10th day of the last month, and is now
- " lodged in a back room looking into a garden in the third story of a house, number 93, in ——street
- in his own capital of Vienna, where his Majesty
- 66 will, by fending to the spot, be sure to find
- 66 him.-

It was literally so as the French Minister of Police had stated.—The Emperor, to his astonishment, found

the delinquent in the house and apartment described; but he was greatly mortified in this proof of the accuracy of the French Police, which in this inflance in point of intelligence even in Vienna, was discovered to be fo much superior to his own.-

The fact is, that the French fystem had arrived at the greatest degree of perfection; and though not necessary, nor even proper, to be copied as a pattern, might, nevertheless, furnish many useful hints, calculated to improve the Police of this metropolis confiftent with the existing laws, and even to extend and increase the liberty of the subject without taking one privilege away, or of interfering in the pursuits of any one class of individuals, except those who were employed in purposes of mischief, fraud, and criminality.

Our fituation in this country, (like the fituation indeed of every country in Europe,) has changed materially fince the diffolution of the ancient government of France.-Many foreigners, particularly of that nation, having acquired a knowledge of our language (the want of which shielded us formerly from the hordes of sharpers and villains who reforted to Paris, from every part of Europe) will now confider London as the most productive harvest for sharpers for two obvious reasons :- 1st, Paris being exhausted of riches,-its nobility banished, and the principal part of the active property annihi-B b 2

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lated; the former resources for the support of criminal and depraved characters no longer exists; of course the metropolis of France will hold out no allurements similar to what were formerly experienced; 2d, The ignorance of the English language will no longer be a bar to the resort of the continental sharpers to the metropolis of this kingdom.—At no period was it ever so generally understood by foreigners, or the French language so universally spoken by at least the younger part of the people of this country.—

The intercourse, therefore, can never be again interrupted as heretofore on account of ignorance of the language; and the spirit of gaming and dissipation which prevails in London, promoted already in no inconsiderable degree by profligate characters from the continent, joined to the opulence of the people, and the great mass of active property which circulates, will afford a wide field for the exercise of the invention and wits of that description of men, both so-reigners and natives, who insested Paris under the old government, and which rendered a more than ordinary attention to its Police indispensibly necessary.—

The termination of the war will probably (for the reasons already stated, and others equally obvious) throw into this country a vast number of idle, profligate, and depraved characters, natives of this, as well as of other nations, who will require to be narrowly. narrowly watched by a vigilant and well-regulated police.

An acceffion of fuch nuisances, in addition to those already engaged in acts of delinquency, would seem to establish new and incontrovertible arguments in favour of such an auxiliary Board of responsible Commissioners for managing the affairs of the Police of the metropolis, as has already been suggested as necessary to form a centre-point, and to bind the system together.*

Three men of business,—able, active, and indefatigable, would be sufficient to execute the task:
—and the utility of such an establishment will perhaps
be best explained by entering into a specific detail of
the peculiar duties which the public interest would
render necessary to impose on these Commissioners,
arranged under twelve different heads:—

aftention to objects of Police, would, in all cases where the laws are found deficient, be able to suggest, from time to time, to His Majesty's principal Secretary of State for the home department those alterations, amendments, and improvements, which might lead to such legislative regulations as would not only prove the means of greatly reducing the number of offences: but also of creating a fund out of the Police regulations, equal to all the expences which are incurred at present even including the

^{*} Vide pages 29 and 30, in the Introduction, also pages 375 and 376 in this Chapter.

rewards and fums of money expended in transporting convicts to New South Wales, as well as the expences of ferlons on board the Hulks, and every other disbursement, at present chargeable on the Civil List Revenue, or the consolidated fund.*

- ad. These proposed Commissioners, while they pointed out a ready method of easing the Public of the present heavy expence, would also, by the introduction of a system of greater economy, reduce this expence considerably: and perhaps suggest such arrangements, consistent with sefe custady and reformation, as might ease Government partially, if not wholly, of every kind of expence on account of different classes of Convicts, for whose support at present, enormous sums of money are paid annually.
- 3d. These proposed Commissioners, by means of an Alphabetical Register, (which would be kept in their office, and under their direction,) of all Thieves, Robbers, Burglars, Pickpockets, Receivers of Stolen Goods, Coiners, Dealers in Base Money, Cheats, Swindlers, Lottery Vagrants, Concealed Aliens, and others offending against the laws, would not only fave a large annual sum, by counteracting their pursuits, but also shield the Public, as well as individuals, from danger and immense losses, shewn to exist by the details given in this work.
- 4th. These Commissioners, by the adoption of a system calculated in so great a degree to excite terror in the minds of criminal people by the imminent hazard of detection, which would be so exceedingly increased through the medium of diurnal intelligencers, whose vigilance would be sharpened in consequence of the rewards they would receive for useful services, that little doubt could be entertained of procuring very accurate and early information of

* Estimated in page 378 at £120,000 a year.

the perpetrators of every species of depredation, which would, by leading to an immediate discovery, after a short time, so embarrass those criminal delinquents as to render their trade too dangerous to pursue, and of course gradually lessen their number, as the vigour and energy of the Police advanced.

5th. These Commissioners, by conveying useful information to the different Public Offices, and by proposing good and apposite rules, applicable to those useful and beneficial objects which a constant and unremitting attention to the subject, joined to a collected view of the whole abuses and the general Police of the metropolis, would suggest, could not fail to extend to every branch of the system that energy which can never prevail where no centre-point exists, and where no sunds are applicable to any purposes calculated to excite vigour in the detection of offenders.

6th. These Commissioners would also extend to the Public at large considerable benefits, by taking up occasionally such great lines of Police as could not be followed and carried into execution with the same spirit and effect by individual Magistrates acting at the different offices: such as plans for the detection of gangs of Coiners, Dealers and Utterers of Base Money,—Illegal Lottery Insurers,—or any other great system of depredation or fraud, by which infinite advantages would arise by giving considence to the local Magistrates in the prompt and energetic execution of the laws.

7th. These Commissioners, might also turn their attention to those two great lines of Police which relate to the pillage and plunder on the river Thames, and in his Majesty's dock-yards, and other repositories, by which uncalculable benefits benefits would be derived in the protection of public and private property.

8th. These Commissioners, by taking upon them the whole management of the funds appropriated to the expences of the Police for Salaries, Establishments, Contingencies, Rewards, the Hulks, Agreements for Transportation, Correspondence relative to Convicts in Execution, in Prisons, the Hulks, and New South Wales, would ease His Majesty's principal Secretaries of State of a vast deal of trouble, at a time when other great objects, connected with state affairs, render this division of labour useful and beneficial to the community.

9th. These Commissioners, by attending closely to the important duties assigned them, and carrying on a regular correspondence, under the direction of His Majesty's principal Secretary of State, with the acting Magistrates in all the great towns, in every part of Great Britain and Ireland, would be able to concentrate and bring together such a mass of intelligence as could not fail to be productive of the most beneficial consequences in the prevention of crimes, by suggesting the means of detecting offenders, and by pointing out to Magistrates, in town and country, all those cases which may arise where extraordinary exertions may be necessary in putting the laws in execution, whether they relate to great lines of Police, or to gross acts of fraud and immorality.

be pledged to devote to the subject at large, both with regard to general detail and to minutiæ, would be competent to suggest propositions for the suppression of Lottery Infurers,—Gaming,—Disorderly Houses, &c. and also for the better

better regulation of Public Houses, Constables, Watchmen, Patroles, Night Coaches, Receivers and Buyers of Stolen Goods, and Weights and Measures, &c.—thereby establishing, by their example and suggestions, a constant spur to Magistrates to be vigilant, so that nothing might be postponed or neglected, which a genuine regard to the public interest, and a discreet and prudent attention to the due execution of the law, should render necessary for the preservation of morals, and the prevention of crimes.

the Public, affume the fole management of convicts fentenced to transportation or the Hulks, by making proper selections founded on a perfect knowledge of the profession, character, and ability of each, so as to render their labour, in suture, as beneficial to the Public as possible.

12th. These Commissioners, by a close attention to those various and important duties, and by occasional reports to His Majesty's principal Secretary of State, under whose authority alone they should act as auxiliaries, would be able to bring under the consideration of the Executive Government such a clear and connected view of every useful and important sact, relative to the Police of the country, as could not fail to be extremely beneficial, inasmuch as practical knowledge and experience would suggest new ideas calculated to improve the system year after year, until it became as perfect as great attention to the subject, joined to good judgment and intelligence, could make it.

Thus would these commissioners have abundance of

of employment, in its nature of the greatest use to the community, and in its operation and effect of the highest importance, since every man of property, as an individual, independent of the public at large, is to benefit by fuch a fystem being established; and which, even in another point of view, is doubly necessary at this juncture, while new events are occurring every day of a nature truly interesting to the peace and well-being of fociety, and to the tranquillity of the State, rendering it more than ever necessary to establish a system of unremitting vigilance; and more especially since it is a fact well-established, that it was through the medium principally, and by the affiftance of many of the twenty thousand miscreants who were registered previous to the anarchy of France, on the books of the Lieutenant of Police, that the contending factions in that distracted country were enabled to perpetrate those horrid murders and acts of atrocity, which have been beheld with detestation, abhorrence, and aftonishment, by every civilized nation n the world.

Let it be recollected at the same time that mankind, in a state of depravity, arising from a long course of criminal turpitude, are nearly alike in every country, and that it becomes us to look with a jealous eye on the several thousand miscreants of the same description which insest London, for they too upon any fatal emergency (which God forbid) would be equally ready

ready as their brethren in iniquity were in Paris to repeat the fame atrocities, if any opportunity offered.

To be well prepared against every possible evil is one great step towards prevention, and among the many advantages already detailed, which are likely to result from an auxiliary Board of Police, this would be none of the least.

In every view in which it can be confidered, fuch a fystem, strengthened by good and apposite laws, could not fail to be productive of vast benefits to the community.

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Under fuch circumstances it must rapidly advance to a state of great and obvious utility; and by the progressive introduction of those other improvements which have been explained and elucidated under their respective heads, in the course of this Work, little doubt need be entertained of those expectations which the public had formed relative to the prevention of many crimes, which at present press hard upon so-ciety, being in a great measure realized.

But these are not the only advantages which would result from the system being carried into execution in its sullest extent:—for in that case petty thests affecting all ranks who have any property to lose, and destroying the moral principle, would be greatly abridged:—

as would also the plunder from vessels in the River Thames, as well as from the public arfenals, dock yards, and ships of war.

The more atrocious crimes of burglary and highway robbery would fuffer a fevere check in the embarraffments which would arise from the system of detections and rewards—the restrictions proposed to be laid upon receivers of stolen goods, night coaches, and other regulations applicable to those particular offences.

A large proportion of the coiners, dealers, and utterers of base money, seeling themselves embarrassed on all hands, and the risk of detection as well as of punishment greatly extended and encreased, would probably abandon the business as hazardous and destructive.

The completion of the general fystem would also either collaterally or immediately reach the tribe of cheats, swindlers, and lottery offenders, in such a manner as to occasion a considerable reduction of their number, by narrowing the ground and destroying the resources by which they at present flourish.

The evils and the remedies, fo far as they relate to criminal offences, being thus developed, a true effimate will be formed, not only of the magnitude of the former, but of the propriety and practicability of the latter.

The Author is not so presumptuous as to expect that in a matter of so much importance, those suggestions which he has offered to the consideration of the public, are either to be immediately approved of, or adopted suddenly.—Some are obvious at first view as preparatory steps in their nature unobjectionable *, while

* The obvious remedies which are here alluded to, are of a nature merely preparatory, and relate to the following proposition, (being a summary of what is detailed in various preceding Chapters) + to the immediate adoption of which, (in the opinion of a great and experienced Crown Lawyer), there does not seem to be any objection.—It is this.—

"That the Dealers hereafter mentioned, shall, under a certain penalty, register their names and places of abode, (specifying the number of the house, and the street,) at the Office of the Commissioners of Police, or at the Public Office, within the district of such residence—Namely—

- 1. Publicans licenfed to fell ale or other liquors,
- 2. Pawn Brokers,

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- 3. Watch Makers,
- 4. Buyers of gold and filver,
- 5. Refiners of gold and filver,
- 6. Working and other Silversmiths,
- 7. Dealers in old and fecond-hand furniture,
- 8. Brokers in fecond-hand goods,
- 9. Dealers in old building materials,
- 10. Stable-keepers, and persons letting horses for hire,

† Vide Chap. II. Page 54 and 55. Chap. V. Page 110. Chap. VIII. Pages 203 and 204.

11. Boilers

while others require to be well confidered and accurately examined.

The fooner, however, that this is done, the more immediate will be the operation of that fystem, which is to shield the inhabitants of the metropolis against

- 11. Boilers of horse-flesh and other animals for profit,
- 12. Dealers in old and second-hand naval stores, junk, and handstuff,
- 13. Dealers in rags and hand-stuff,
- 14. Dealers in fecond-hand wearing apparel, bed and table linen,
- 15. Itinerant dealers in wearing apparel and other articles,
- 16. Dealers in old iron, brass, copper, pewter, lead, and other metals,
- 17. Purchasers of old iron, brass, copper, pewter, lead, and other metals for manufacturing,
- 18. Founders and others keeping crucibles, or other veffels for melting old metals,
- 19. Persons being dealers in any of the above articles, keeping draught or truck carts,

For which, on paying only One Shilling to the Clerk, they shall receive a certificate each year, or as often as they shall change their residence, of which notice to be immediately given, and a new certificate applied for.

And as often as any person so required to register the said name and place of abode, and occupation, shall have in his or her possession, any goods, bank notes, money, horses, cattle, dogs, or any other property; and after receiving a hand-bill, or any written notice of such being stolen, with a description thereof, shall wilfully omit, or refuse to make immediate discovery of the same to the Magistrates at the Public Office of the district, and of the person or persons from whom they were purchased, he or she shall sorfeit

against those depredations and dangers to which they have long been exposed.

If so great a good is effected, it must arise from a general impression on the public mind, that it is prassionable—and that it is a right thing to be done.

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£5.*; and also the value of whatever is concealed, which penalty shall be recovered on conviction by a warrant of distress, &c.

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* A regulation to the fame effect was introduced into the Police Bill of 1785—and has lately been adopted in the New Act for the city of Dublin, with this difference—that a superintendant Magistrate is appointed to regulate this particular branch of Police, and and the penalty, (which is £50. and the value of the stolen property concealed), is recoverable by an action of debt upon the case, to be brought in the name of the superintendant Magistrate, in any of His Majesty's courts of record in Dublin. Perhaps this may be thought an improvement on the fystem proposed .-At any rate its utility is obvious, for while it imposes no particular hardship, and no expence on those classes of individuals, through whose hands stolen property passes, it would put them upon their guard, and promote a greater degree of caution than at present prevails, thereby checking and embarrassing the transactions of thieves, and fraudulent persons; -But it would do more: -It would enable Magistrates to acquire an accurate knowledge of the number of these dealers in every part of the metropolis, from which infinite advantages would be derived to the public in the prevention of crimes, as well as with a view to further regulations, if they shall be thought necessary.—Several of these classes of dealers make immense profits, and could well afford to pay a moderate licence duty, which would raise a sum of money equal to all the expences of the Police System.

In that case the object will be attained—and those blessings which arise from applicable and apposite laws directed to the object of suppressing and preventing crimes, will be extended to the inhabitants of this great metropolis, under the advantages of that protection t which will arise from a combined system of police,

‡ In mentioning what regards the protection of the metropolisit is impossible to overlook those eminent advantages which have arisen from that excellent institution of the Light Horse Volunteers, under the Command of Lieut. Colonel Herries.

To this respectable Corps of patriotic individuals, the inhabitants of the metropolis are under infinite obligations.

Regardless of their own ease, convenience, interest, or personal safety, the members of this public spirited association have ever stood forward in the hour of tumult and disorder, gratuitously and at their own expence, for the protection of their fellow citizens, and for the preservation of the public peace.

The affishance they have on every occasion afforded the civil power, and the facrifices of valuable time which they have made at the rifque of health, and under circumstances where they were compelled to forego that ease and comfort, which, from their opulence and rank in life, is attached to their particular fituations—it is to be hoped will never be forgotten by a grateful public.

Their high respectability, joined to that spirit of independence and that sirmness of mind, which they have, on every occasion manisested, has been of infinite service in repressing the tendency to tumult and disorder that prevailed in 1794, and 1795, which, but for this powerful antidote, might have risen to a very alarming height.

Nor have these patriotic gentlemen been merely satisfied with the various sacrifices, for the public good, which have already been detailed—forgetting the expence of supporting a military establishment unparalleled with regard to its bigh site of equipment; when a pressure arose awakening the feelings of humanity, they police, executed with purity and discretion, under the guidance of an able superintendance, and an active and indefatigable magistracy.

were among the first as a public body, independent of parochial subscriptions, who opened their purses for the relief of many of those deluded individuals, whose misguided phrenzy had occasioned them so much trouble.—Such an institution conferring so many benefits in shielding the metropolis from danger, and the deluded multitude against punishment, by the prevention of crimes, it is to be hoped, will ever retain that laudable spirit by which it is at present animated, and which has entailed so much honour upon all its members.

Cc CHAP.

CHAP. XIV.

On Municipal Police.—The unparalleled Extent and Opulence of the Metropolis, manifested in the number of Areets, lanes, alleys, courts, and squares, estimated at above 8000; -in 502 Churches and Places for religious Worship; -- in 4050 Seminaries of Education; -- in 8 Institutions for promoting Religion and Morality;in 10 Societies for promoting Learning, and the useful and fine Arts; -- in 122 charitable Afylums for the indigent and forlorn; -- in 31 Hospitals and Dispenfaries for the lame, fick, and difeased; -and in 704 Institutions for Charitable and Humane Purposes .- An Estimate of the Amount of the annual Expences of the Poor in London, equal to £,750,000 a year.—A detail of the Courts of Law, and other establishments connected with the distribution of Justice .- The public Prisons in the Metropolis. - An aggregate View of the number of Persons employed in the different departments of the Law, estimated in all at 7040.—Suggestions for improving the Civil Jurisprudence in the Metropolis so far as relates to the recovery of Small Debts .- The Evils arifing from the present System, exemplified in the multitude of actions for trivial Sums in the course of a year; the enormous expence, and the ill effects of the severity of the punishment in such cases, debasing the mind, and proving the destruction of many families both in their morals and utility to the State .- An Alteration of the System further elucidated from the propricty of relieving the supreme Judges of a weight of labour, unreasonable from the vast encrease of business which the

the extensive and growing intercourse of commerce occasions .- The same Observations extended to the great Offices of State, and the necessity and utility of a division of labour, in proportion to the increase of public duty, explained, as a means of preventing pressures and inconveniences .- A View of the municipal Regulations which have been established in the Metropolis for the accommodation and convenience of the inhabitants, grounded on various acts of the legislature, passed at different periods, during the last and the present century.—Each District of the Metropolis a separate Municipality, where the power of affeffing the inhabitants for the purposes of paving, watching, lighting, cleanfing, and removing nuifances, is placed in the bands of Trustees under a great number of local acts of Parliament. - These Regulations mostly founded on Laws made in the last and the present Reign .-- The principal public acts detailed, viz .- the General Act of the 2d William and Mary, for paving the Metropolis ;-- the 10th Geo. IId. for watching the city of London; -11th Geo. IIId. for removing signs, and establishing a complete system of municipal Police.— The Asts relative to Westminster and Southwark for same purposes .- The Statutes relative to Common Servers detailed; their origin, and the great advantages refulting from them .- The Laws relative to Hackney Couches and Chairs-alfo to Carts and other Carriages .- The Acts relative to Watermen on the Thames .- The Law for restraining Bullock-bunting. And finally, the Regulations by the 14th Geo. IIId. relative to the Mode of building Houses, and the Rules Cc 2 laid

laid down for extinguishing Fires.—Concluding Obfervations on the advantages which would result to
the Metropolis at large from these numerous acts of
Parliament being uniform, and conformable to the excellent Regulations established for the city of London.—
The advantages of simplifying the System.—The burden upon the inhabitants equal to one million a year
for the expence of Municipal Police.—Suggestions for
improving the system and reducing this expence.—Concluding Reslections.—The present epoch, more than
any other, presses for arrangements calculated to amend
the morals of the people by improving the Laws of the
Country.

IT cannot fail to prove an interesting enquiry, not only to the inhabitants of the metropolis, but also to strangers, by what means that department of its œconomy and government which may be denominated Municipal Police is regulated, so as to convey those comforts, and procure the various accommodations and conveniencies which, with some exceptions, are felt to exist in every part of the Capital and its environs.

When it is known that this great city, (unparalleled, as will be hereafter shewn, in extent and opulence, in the whole habitable globe,) comprehends, besides London, Westminster, and Southwark, no less than forty-five villages, now exceedingly enlarged, independent of a vast accession of buildings upon the

open fields, in the vicinity; it is less a matter of surprise, when it is now stated to extend to nearly eight miles in length,—to be three miles at least in breadth, and not less than twenty six in circumference, containing above eight thousand streets, lanes, alleys, and courts, and more than sixty-five different squares, making an aggregate of more than one hundred and sixty-two thousand houses, warehouses, and other buildings, besides the following Churches and Chapels for religious worship, viz.

1 Cathedral, dedicated to St. Paul 1 Abbey Church-Westminster Ab Of the Established 114 Parish Churches Religion, 130 Chapels, and Chapels of Eafe 246 Confishing of 82 Chapels for Nonconformists and Presbyterians, 56 for Independents of different Meeting-houses for For Religious Infrustion. classes, 23 for Anabaptists, 32 Diffenters for Quakers, 6 for Nonjurors, 4 for Muggletonians, and 4 for Roman Catholics. Confisting of 8 Chapels for French Protestants, 8 for Ger-Chapels and Meetmans, 6 for Dutch, 3 for Sweing-houses for Fodish, 4 for Danish, & 4 for Helreigners vetical Protestants, 6 for Roman Catholics, and 4 for the Ruffian or Greek Church Synagogues for the Jewish Religion Total 502 Places of Public Worship. The

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The inhabitants of this great metropolis, occupying these various houses and buildings, are estimated, during the sitting of Parliament, at one million two hundred and sifty thousand souls, for whose accommodation, convenience, and security, the following Institutions have been formed, namely,—1st, For Education;—2d, For promoting good Morals;—3d, For useful and sine Arts;—4th, For Objects of Charity and Humanity;—5th, For distributing Justice,—6th. and for punishing Offenders.

EDUCATION.

- 16. Inns of Court for educating Students to the profession of the Law, &c. &c.
- 5 Colleges—viz: One for the Improvement of the Clergy, London Wall; one for Divinity and Astronomy, called Gresham College; one for Physicians, Warwick Lane; one for the study of Civil Law, Doctors Commons; and the Heralds College.
- 62 Schools or public Seminaries; the principal of which are Westminster School, Blue-coat School, St. Pauls, Merchant Taylors, Charter-house, St. Martins School, &c. &c. &c. where about 5000 young persons are educated.
- 237 Schools belonging to the different Parishes; where about 9000 male and female Children are educated in Reading, Writing, and Accompts.
- 3730 Private Schools for all the various branches of male and female Education.
- 4050 Seminaries of Education.

For Education.

MORALS.

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MORALS.

ſ	1	The Society for giving effect to His Majesty's proclama-
1		tion against Vice and Immorality instituted 1787
1	2	The Society for promoting Christian Knowledge,
1		Bartlett's Buildings, idem 1699
1	3	The Society for propagation of the Gospel in Fo-
		reign Parts, Deans Yard, Westminster, idem 1750
	4	The Society for promoting Religious Knowledge,
		by distributing books among the poor idem 1750
2	5	The Society for promoting Charity Schools in Ire-
) I		land, Merchant Seaman's Office
or pre	6	The Society for Religious Instruction to the Ne-
g. F.		groes in the West Indies idem 1793
"	7	The Society for the encouragement of Morality
		among Servants idem 1792
	8	The Society for preventing crimes by profecuting
		Swindlers, Sharpers, and Cheats, Gough-square,
-		Fleet-street 1776

THE ARTS.

r 1	Royal Society, incorporated for promoting	uſeful	*
	knowledge, and inflituted -		1663
2	Antiquarian Society, Somerfet Place, -	idem	1751
3	Society or Truffees of the British Museum,	idem	
4	Society of Artists of Great Britain, Strand,		
5	Royal Academy of Arts, Somerfet Place,	idem	1773
6	Society for the encouragement of Learning, Court, Fleet-street		
7	Society for encouragement of Arts, Mnuf Commerce, Adelphi Buildings	actures	, and
8	Medical Society, Crane Court, Fleet-street		
	Society for the improvement of Naval Archi	iteEture	
	Veterinary College, near St. Pancrafs Churc		
		ASYL	UMS

3d. For Learning, and the uferid and fine Arts.

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^{*}London Workhouse is a large building, which might with great advantage be tunned into a house of industry, or peastentiary house for small offenders, for which purpose it was used in ancient times; and although it is take to be sufficient to lodge about 500 people, it is now used as an asylum for a lew old persons, and a sincure for the Keepers and Officers, who live comfortably as the tervants of the Community without doing any good. This house is amply endowed by a power of levying contributions on all the parithes for its support.

ASYLUMS

ASYLUMS FOR SICK, LAME, DISEASED, AND FOR POOR PREGNANT WOMEN.

1	St. Bartholomew's Hospital in West Smithfield, for	
	the reception of afflicted and difeafed perfons	1539
2	St. Thomas's Hospital, Southwark, for the reception	
	of fick and lame, especially failors -	1553
3	Guy's Hospital, Southwark, for fick and impotent	
0	perfons, founded in	1721
4	London Hospital, Whitechapel Road, for the re-	
	ception of all persons meeting with accidents	1740
- 5	St. George's Hospital, Hyde Park Corner, for the	
	reception of fick and lame	1733
6	Westminster Infirmary, James-street, Westminster,	
	for fick and difeafed perfons	1719
7	Middlefex Hospital, Charles-street, near Oxford-	
	firect, for fick and lame, and pregnant women	1745
8	Lock Hospital, Hyde Park Turnpike, for persons	
	afflicted with the venereal diforder -	1746
9	Smallpox Hospital, St. Pancrass, for Inoculation of	
	poor perfons	1746
10	London Lying-in Hospital, Aldersgate-street for	
	poor married women	1750
11	City of London Lying-in Hospital, Old-street,	
	City Road, idem	1751
12	Lying-in Hospital, Brownlow-street, Long Acre, id.	1749
13	Lying-in Hospital, Surry Road, Westminster Bridge,	
	for poor pregnant women	
1.1	Lying-in Hospital, Bayswater Hall, Oxford Road, id.	
15	Lying-in Hospital, Store-street, Tottenham Court	
. 6	Road - idem	
10		1553
17	St. Luke's Hospital, for Lunatics, Old-street Road 1	751
	DISPI	EN-

infitutions for Charitable and Humane Furposes.

1 Eastern Dispensary, Whitechapel 2 Middlesex idem, Great Ailist-street

3 London idem, Primrose-street, Bishopsgate-street

4 New Finsbury idem, Featherstone Buildings, St. John's fd.

Finfbury idem, Rofamond Row, Clerkenwell

6 General Dispensary, Aldersgate-street

Public Difpenfary, Cary-street, Lincoln's-inn-fields

- 8 Infant Poor Dispensary, Soho-square 9 St. James's Dispensary, Berwick-street, Soho-square 10 Westminster Dispensary, Gerard-street, Soho-square 11 Mary-le-bone Difpenfary, Wells-street, Oxford-street
- 12 Offulfton Difpenfary, Bow-street, Bloomsbury

13 Surry Difpenfary, Union-street, Borough.

1 Society for delivering married women in their own habitations, by whom 30 midwives are employed, No. 18, Strand instituted 1757

1 Humane Society, for the recovery of drowned and

fuffocated perfons, Spital-fquare

1 Society for the Relief of Clergymen's Widows, Paper Buildings, Temple

1 Society for the Relief of Widows and Orphans of

Medical Men 1 Laudable Society, for the Benefit of Widows, Crane

Court, Fleet-street 1 Society for the Support of Widows, Surry-st. Strand

1 Society for the support of poor Artists, and their Widows, Strand

- Society for the support of Widows of poor Musicians
- Society for Annuities to Widows, Old Fish-street, St. Pauls, No. 25.
- 1 Society for the Relief of fick and maimed Seamen in the Merchants' Service
- 1 Society for the Relief of poor Widows and Children of Clergymen, instituted

1 Freemafons' Charity

- 1 Society for the Relief of Persons confined for Small Debts, Craven-street, Strand
- 91 Public Companies in the City of London, who give in Charity above £75,000l.a year
- 600 Friendly Societies in the metropolis and its vicinity, now incorporated by act of Parliament, compoled
- of mechanics and labouring people, who diffri-704 bute to fick members, and for funerals, raifed by monthly payments, about £36,000 a year

Reflecting on these various laudable institutions, imparalleled in point of extent as well as muniscence, the mind is lost in astonishment and wonder, that greater and more extensive benefits have not arisen to the inhabitants of the metropolis, not only in improving their morals, but in shielding the lowest orders of the people from that extreme misery and wretchedness which is no where exhibited in so great a degree as in London;—and this astonishment will (if possible) be considerably augmented, when the following estimate of the legal affessments and voluntary contributions for the poor, and for benevolent institutions and establishments for their comfort and convenience, together with private charities, is considered—namely,

[London £70,000 0 0			
1st. For Westminster 64,000 0 0			
Poor-rates Middlefex, ad- joining London 86,000 0 0			
(Surry, - idem 25,000 0 0			
Total for the metropolis about	245,000	0	0
2d. Supporting Charity Schools for educating the poor	10,000	0	
3d. Afylums for the support of objects of charity and			
humanity, &c. arising from annual contributions,			
estimated at	25,000	0	0
4th. Afylums, Hospitals, and Dispensaries, for the			
fick, lame, difeafed, and afflicted, estimated at	50,000	0	0
5th. Institutions for benevolent, charitable, and hu-			
mane purposes, 704 societies, idem	120,000	0	0
6th. Private Charities, estimated at	150,000	0	0
7th. To which add the endowed Establishments, estimated at	150,000	0	0
Total Estimate per annum, L	750,000	0	0
		-	-

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When it is also considered that large sums are annually expended by Societies instituted for promoting religion, virtue, and good morals, it must be evident while the miseries of the poor do not appear to be alleviated, and that their morals grow worse—there must be a cause to produce effects so opposite to what might have been expected from such unparalleled philanthropy; but this, like other abuses, may easily be traced to that evident deficiency in the general system of Police, which has so often been mentioned in the course of this Work.

Having thus brought under the review of the reader, the various charitable institutions; it may now be useful, and certainly cannot be improper, in a Treatise on the Police, to insert the following brief detail of the different Courts of Law, and public Prisons, established in the Metropolis, for the distribution of justice, and the punishment of delinquents, for civil as well as criminal offences, to which is added the number of professional men attached to these various law establishments.

COURTS OF JUSTICE IN THE METROPOLIS.

The High Court of Parliament

The House of Lords

The High Court of Chancery—at Westminster Hall—and Lincoln's Inn Hall

The Court of Appeals in colonial and prize causes, before the Lords of His Majesty's Privy Council at Whitehall

The Court of King's Bench, held in Westminster Hall
The Court of Common Pleas, held in Westminster Hall

Supreme Courts.

COURTS OF JUSTICE IN THE METROPOLIS.

The Court of Exchequer—a Court of Law, Equity, and Revenue, held at Westminster Hall and Serjeant's Inn

The High Court of Admiralty, for Prizes, &c. at Doctor's Commons, and in Criminal cases, twice a year, at the Old Bailey

Four Ecclefiaffical Courts.

Supreme Courts.

Prerogative Court, for Wills and Administrations
Court of Arches, for Appeals from the Province
Faculty Court, to grant dispensions to marry
Court of Delegates for Ecclesialtical affairs

Doctors' Commons

The Court of Oyer and Terminer, and Gaol Delivery for trying Criminals at the Juftice Hall, Old Bailey

Held by His Majesty's Commisfion to the Lord Mayor, Judges, Recorder, and Common Serjeant, &c.

Court of Huflings The Supreme Court of the City for pleas of land, and common pleas

The Lord Mayor's Court For actions of debt and trespass, and for appeals from inferior courts, and for foreign attachments, decisions in all cases whatfo-ever, in 14 days, at an expense not exceeding thirty shillings, held in the King's Bench, Guildhall, by the Lord Mayor, Recorder, and Aldermen

Court of Requests

seventeen Courts in the City of London.

Held by fuch Aldermen and Common Council as are appointed by the Lord Mayor and Aldermen; three of whom form a Court of Record for small debts under 40s. recovered at the expence of 10d.

Chamberlain's Court Held every day to determine differences between masters and apprentices, and to admit those qualified for the freedom of the City

Sheriff's

	COURTS OF JUSTICE IN THE METROPOLIS.							
seventeen Courts in the City of London.	Sheriff's Court Held every Wednesday, Thursday, Friday, and Saturday, at Guildhall, where actions of debt and trespass, &c. are tried by the Sheriff, and his deputy, who are Judges of the Court							
	Court of Or- Held before the Lord Mayor and Aldermen, as guardians of the children of deceafed freemen, under 21 years, &c.							
	Pie Poudre { Held by the Lord Mayor and Stewards for administering instantaneous justice between buyers and sellers, at Bartholomew fair, and redressing disorders that may arise							
	Court of Confervan- cy Held by the Lord Mayor and Aldermen four times a year, in Middlefex, Effex, Kent, and Surry, who enquire, by a jury, into abuses relative to the fishing on the River Thames, and redress the same from Staines' bridge West, to Yensleet East							
Seventeen Courts	Court of Lord Mayor and Aldermen.—Court of Common Council.—Court of Common Hall.—Court of Wardmotes These relate to setting the affize on bread and salt—to the municipal officers of the City—to elections—of Lord Mayor, Sheriss, and Officers of the City, and to the management of the public property of the City, and removing nuisances							
	General and Quarter Sessions of the Peace, held by the							
1	Lord Mayor and Aldermen, eight times a year							
	Petty Sessions for small offences, &c neld at the Mansion House by the Lord Mayor, and one Alderman Idem at Guildhall by two Aldermen in rotation Coroners' To enquire into the causes of sudden deaths							
	Court \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \							
	Court of the Tower of London Held within the verge of the City by a fleward appointed by the Conflable of the Tower, by whom are tried actions of debt, trefpaffes, and covenants.							

COURTS OF JUSTICE IN THE METROPOLIS.

Court of the Dutchy of Lancaster

A supreme Court of Record, held in Somerset Place, for deciding by the Chancellor of the faid Dutchy, all matters of law or equity belonging to the County Palatine of Lancaster

Quarter Seffions of the Peace

A Court of Record, held by the justices of the city and liberty of Westminster, four times a year, at the Guildhall, Westminster, for all trespasses, petty larcenies, and other fmall offences, committed within the city and liberty.

Westminfter Court Or Court Leet, held by the Dean of Westminster, or his steward for chusing parochial officers, preventing and removing nuisances, &c.

Court of Requests Castle fireet, Leicester square

and Liberty of Weftminfler.

Held by commissioners (being respectable housekeepers) for deciding without appeal, all pleas for debts under forty shillings. For the parishes of St. Margaret, St. John, St. Martin, St. Paul, Covent Garden, St. Clement Danes, St. Mary le Strand, and that part of the Dutchy of Lancaster which joins Westminster.

Court of Requells, Vine ilreet, Piccadilly

Idem idem idem, for the parishes of St. Anne, St. George, Hanover square, and St. James, Westminster.

Petty Seflions, or Police Court, held at Bow ffreet

A Court of Petty Sessions held by two magistrates every day, (Sunday excepted) morning and evening, for matters of Police, and various fences, and mildemeanors, &c.

or petty felfions, held at \ Queen's 4. Weitminster [

Police Court (A Court, Petty Seffions established by act of Parliament, held every day, morning and evening, (funday excepted) by two Magiftrates, for matters of Police, and various offences, mildemeanors, &c.

PoliceCourt, or perty feflions, held at \ Idem Gt. Marlbo. rough fireet

Idem idem

COURTS OF JUSTICE IN THE METROPOLIS.

St. Martinsle-Grand Court A Court of Record, subject to the Dean and Chapter of Westminster, held every Wednesday, for the trial of all personal actions. The process is by a capias against the body, or an attachment against the goods in this particular liberty.

East Smithfield Court A Court Leet and Baron Court, held for this Liberty, to enquire into nuisances, &c.—
In the Court Baron Pleas are held to the amount of forty shillings.

Finfbury Court A Court Leet held once a year, by a fleward of the Lord Mayor, as lord of the manor of Finsbury, for enquiring into those nuisances competent for Leet Juries, by ancient usage, and swearing in constables for the manor.

St. Catherine's Court Two Courts are competent to be held within this small precinct, for actions of debt and trespass, at St. Catherine's, near the Tower.

Whitechapel Court

Courts of Julice in that part of the Metropolis, lying within the County of Middlefex,

A Court held by the steward of the manor of Stepney, by whom, and a jury, are tried actions of debt for £5. and under, &c. &c. For the county of Middlesex, for actions of

Sheriff's Court

debt, trespasses, assaults, &c.

Quarter and General Seffions of the Peace, and Seffions of Oyer and Terminer

Held by the Justices of the County of Middlesex, eight times a year, at the New Sessions House, Clerkenwell-Green, for all trespasses, petty larcenies, misdemeanors, and other offences, &c. and for roads, bridges, and other county assairs.

Terminer
Petty Seffions, or Police Court,
eftablished
by A& of
Parliament

A Court of Petty Sessions held every morning and evening, (sunday excepted) by two Magistrates, at the Public Office, in Hatton Garden, for matters of police and various offences, misdemeanors, &c.

Idem

Petty Seffion or Police Court At the Public Office, Worship-street, near Finsbury-square, by two Justices, for objects of police, &c..

Idem

At the Public Office, Lambeth-street, Whitechapel, by two Justices, for objects of police, &c.

Idem

At the Public Office, High-street, Shadwell, by two Justices, for objects of police, &c.

Two Coroner's Courts

For enquiring into causes of sudden death.

Court of Requests For fmall debts under 46s. without appeal, held in Fullwood's Rents, Holborn, for the Division of Finsbury.

Court of Requests For small debts under 40s.without appeal, held in Osborn-street, Whitechapel, by Commissioners, under the Act of Parliament, chosen annually by the several parishes in the Tower Hamlets.

General and Quarter Seffions of the Peace for the liberty of the Tower of London.

Held by the Justices of that liberty, 8 times a year for petty larcenies trespasses, felonies, and misdemeanors, &c. within that particular district.

Court of Record Held at St. Margaret's Hill, Southwark, by the Lord Mayor's fleward, for actions of fmall debt, damages, trefpass, &c.

Court of Record For the Clink Liberty, held near Bankfide, in Southwark, by the Bishop of Winchester's steward, for actions of debt, trespass, &c. within that Liberty.

Marshalfea Court A Court of Record (or the Court of the Royal palace) having jurisdiction 12 miles round Whitehall (exclusive of the city of London) for actions of debts, damages, trespasses, &c. and subject to be removed to a higher court of law, when above £5.

Court of Requests

Sourts of

For the recovery of small debts under 40s. without appeal, held at St. Margaret's Hill. by Commissioners chosen under the Act of Parliament, by the different Parishes

Nothing, perhaps, can manifest, in a greater degree, the increased commerce and population of the Metropolis of the Empire, than the following summary detail of the different classes of professional men connected with the various departments of the Law.

It appears from the preceding Statements, that there are in the

4.4								
are in the			4. 1.					
Metropolis 7	Supreme Courts,	to which a	re attached	270 offic	ers			
	Ecclefiaftical Co							
Idem 18	Inferior Courts	for fmall D	ebts	146 do.				
1	Court of Oye Gaol Deliv	r and Terr		} 27 do				
Idem 4	Courts of Gener of the Peace			} 46 do				
Idem 10	Courts and Pett of Police -			} 190 do				
Idem 5	Coroners Court	s		20 do				
			200	753				
	's Serjeants, A							
Ge	neral, and King	's Advocate		. 8				
,	ants at Law			12				
Doct	ors of Laws			14				
King	s Counsel -			25				
Malte	ers in Chancery			12				
Barri	sters at Law			416				
Speci	al Pleaders .			50				
Proct	ors in Doctors C	ommons		54				
Conv	eyancers -			38				
Atto	nevs at Law in	the differen	t Courts	1920				
Clerk	Clerks, Affistants, and others, estimated at 370							
	ries Public			38				
		D d 2	Total	7040	It			

It is impossible to contemplate this view of a very interesting subject without being forcibly struck not only at the vast extent of the commercial intercourse, in furnishing so wonderful a resource for one particular profession: but also at the immense wealth of the country in rendering this line of life an object of advantage to such a multitude of individuals in one Society.

While every good man and every lover of his Country must anxiously wish that these advantages may be reciprocal; -while the hand of Time in the progrefs of Society is supposed to have produced a preponderance in the opposite scale, occasioning grievances to be felt in the Civil, as well as in the Criminal Department of the Police, it is earnefly to be hoped that the facts which are to be stated, and the reasoning upon the information now to be offered, may induce men of talents, integrity, and ability, in the profession of the Law, to lend their aid in procuring the removal of those pressures, relating to the recovery of small debts, which at present weigh down every good member of Society, who in the course of bufiness must have transactions with the mass of mankind where in meeting with bad or litigious characters, disputes are unavoidably generated.

According to the prevailing System, if the debt exceeds 40s. it may be carried to a superior Court, where

where if contested or defended, the expence at the lowest computation must be upwards of fifty pounds.

Prudent men under such circumstances will forego, a just claim upon another, or make up a bad one upon themselves, as by far the least of two evils in all cases, where they come in contact with designing and bad characters; and hence it is that the worthless part of mankind, availing themselves in Civil, as others do in Criminal Cases of the impersections of the Law, forge these desects into a rod of oppression, either to desraud the honest part of the Community of a just right, or to create fraudulent demands where no right attaches, merely because those miscreants know that an action at Law even for £20. cannot either be prosecuted or desended without sinking three times the amount in Law expences, besides the loss of time still more valuable to men in business.

To convince the reader that this observation is not hazarded on weak grounds, and that the evil is so great as to cry aloud for a remedy, it is only necessary to state that in the County of Middlesex alone, in the year 1793, the number of bailable writs and executions for debts from Ten to Twenty pounds, amounted to no less than 5719, and the aggregate amount of the debts sued for was £81,791.

It will scarcely be credited, although most unquestion-

ably true, that the mere costs of these actions, although made up and not desended at all, would amount to 68,7281.—And if desended, the aggregate expense to recover 81,7911. must be—(strange and incredible as it may appear), no less than 285,9501.! being considerably more than three times the amount of the debts sued for or desended.

The mind is lost in astonishment at the contemplation of a circumstance marking in so strong a degree the deficiency of this important branch of the jurisprudence of the country.

Hence it is that through this new medium we discover one of the many causes of the increase of crimes.

Hence too, that caution which men in business are compelled to exercise (especially in the metropolis,) to avoid transactions with those who are supposed to be devoid of principle.

If a good and useful man, happens to be thus unfortunately entangled, he must suffer the loss, because the law will not, without an expense beyond the object, operate justice by giving him relief.

Whenever the Laws cannot be promptly executed at an expence, that will not restrain the worthy and useful part of the Community from following up their just rights, bad men will multiply.—The morals of the people will become more and more corrupted, and the best interests of the State will be endangered.

In a political as well as in a moral point of view, it is

an evil that should not be suffered to exist, especially when it can be demonstrated, that a remedy may be applied without affecting the pecuniary interest of the more reputable part of the profession of the law, while it would unquestionably produce a more general diffusion of Emolument.

If instead of the various inserior Courts for the recovery of debts, (exclusive of the Courts of Conscience) which have been mentioned in this Chapter, and which are of very limited use on account of appeals lying in actions above 51.—the Justices, in General Sessions of the Peace, specially commissioned, were to be empowered to hear and determine finally by a Jury all actions of debt under 501, and the Costs to be taxed in proportion to the amount of the Verdict, great benefits would result to the Public. At present, the rule is to allow the same costs for forty shillings as for ten thousand pounds!*—It depends alone on the length of the pleadings, and not on the value of the action.

* The following authentic table, divided into four Classes, will shew in forcible colours, the evils which arise from there being no distinction between the value of one action and another in fettling the costs.—In the county of Middlesex, in the year 1793, the actions for recovering debts stood thus:

Classes.		Number of Writs.		Bailable.		ed at £12		Net Amount of Debts fu- ed for.
2 3	20 to 30 30 to 100	5,719 2,267 4,367	of which ditto	1,878	753 309 1,275	£ 68,728 21,090 52,424	285,950 113,350 236,350 116,200	237.358
1	100 & upw.	14,677	ditto	11,105	3,5+2	21:41362	-	£1,385,203

Thus it appears, that, according to the prevailing practice, upwards of one million of money in the 4th class is recovered at confiderably less than half the expence of \$1,791 in the first class.

Humanity

Humanity as well as justice and policy pleads for an improvement of the system, and the more so when it is recollected that, between Six and Seven Thousand unfortunate persons are arrested annually on mesne process in Middlesex alone, one half of whom are for debts under twenty pounds.

In the kingdom at large the number is not less than Forty Thousand for trisling debts in the course of a year!—The unavoidable expense therefore at the lowest computation is a most grievous burden, which on many occasions sends both the plaintist and defendant to a gaol for the Attorneys bills, to the total ruin of themselves and often to the destruction of their families.

The evil in this view is exceedingly prominent.— It involves in it consequences which trench upon the best interests of the Country, while the mischief increases unperceived by the people at large, and remedies are not applied, because few men will subject themselves to investigations of great labour, without which sacts are not to be obtained, and without sacts it is impossible to reason with accuracy or to draw just conclusions upon any subject.

It will be found upon enquiry, that the miseries of a Gaol, by which the inferior orders of the people are often punished, do not so frequently attach to the worthless and prossigate part of the Community as to those who have been useful members of the State—

Like the adroit thief, encouraged to proceed by many escapes, knaves are seldom victims to the Severity of the Law—The innocent, and often the industrious, unskilled in the tricks and artifices which bad men pursue to rid themselves of incumbrances, (for which there is abundant resource in the chicane of the Law,) are generally the sufferers.

To incarcerate one member of the body politic, whose misfortunes and losses may have arisen from crediting another, who is relieved by a Commission of Bankruptcy,* because his debts amounted to more than £100. neither accords with justice, humanity, or State policy. It debases the minds of thousands whose conduct never

* It is to be observed, that the Debtors comprising the first three classes mentioned in the foregoing note, page 423, are generally the objects of imprisonment; while the bankrupt-laws relieve the fourth, the insolvency of which class generally produces the distress of the others, who must languish in a gaol and suffer a severe punishment, although it is clear to demonstration, that the Debtor for ninetynine pounds is equally an object of commisseration as another whose debt amounts to one hundred, and almost in the same degree subject to accident and missortune.

Under a fystem so contrary to reason, and so shocking to humanity, too much praise cannot be bestowed on the sounders and supporters of that excellent institution for the relief of honest, industrious persons imprisoned for small debts.—The immense number relieved by this benevolent society, who have appeared upon enquiry not to have brought missortunes upon themselves by imprudence, is one of the strongest proofs that can be adduced of the inhumanity and impersection of the laws, which are tacitly acknowledged to be erroneous in the case of every person who is discharged by the bounty of the public.

deferved

deserved such a sate—who were from the nature of their dealings, although small, entitled, upon the principle adopted by the legislature, to the same relief which is extended to the higher classes by whom they often suffer—and sometimes too by the most worthless and depraved.—While no good can arise from their confinement, it is thus rendered infinitely more severe than that which is in many instances inflicted on criminal offenders.—Their labour is lost to the Community.—Their families are neglected—and perhaps reared up in vice and idleness to become nuisances in society, where they might have been virtuous and useful members.

This therefore is a most important branch of what may be called *Civil Police*, highly deserving the attention of the legislature, because it is not only contrary to Reason, the Mistress of all Law, but pregnant with evils which tend to the increase of crimes in a greater degree than is generally supposed.

The extensive and growing intercourse in commercial dealings, and the disfused state of property must of course progressively accumulate the appeals to Courts of Justice, even under the present System, till at length the labour of the Judges (infinitely more extensive than their predecessors experienced, and increasing every day,) will so multiply as to render it an act of great cruely and injustice, not

to ease them of the unreasonable labour arising from small law suits.

The same reasoning applies to the Members of the Executive Government.—As we advance in riches, population, and crimes—the management of the Country becomes more complicated.—The labour attached to the higher departments of the State of all descriptions is infinitely greater than a century ago, and yet there is no increase in the number of the first executive responsible officers.—This, (although it has not heretofore attracted notice) when duly considered, will be found to be a very serious missortune.

The mind however active or enlightened, can only compass certain objects.—There is a point beyond which human exertion cannot go—and hence the necessity of the division of labour, in proportion to the encrease of responsible public duty—Wherever this does not take place, the country suffers; and an unreasonable burden attaches where matters of great consequence to the Community must be overlooked, because it is impossible to compass every thing.

The mind also requires relaxation—It cannot always be upon the stretch.—Responsible officers should, therefore, in the great affairs of State, be multiplied in proportion to the increase of objects which require attention and decision.—Where the means of executing business does not keep pace with its increase

crease, many things must stand still.—And thus it is, that grievances multiply, and remedies are not applied.

Having thus briefly explained that branch of the Police of the Capital which is connected with the department of the Law, together with some of the most prominent features of abuse, which have grown out of the present System, as well as the remedies which have occurred as apparently best calculated to remove these accumulating evils.—It remains now to bring under the review of the Reader the various Municipal Regulations, which have been established for the comfort, accommodation, and convenience of the inhabitants, and the means used in carrying them into execution.

The metropolis of the empire having been extended fo far beyond its ancient limits;—every parish, hamlet, liberty, or precinct, now contiguous to the cities of London or Westminster, may be considered as a separate municipality, where the inhabitants regulate the Police of their respective districts, under the authority of a great variety of different acts of Parliament, enabling them to raise money for paving the streets, and to affess the householders for the interest thereof, as well as for the annual expence of watching, cleansing, and removing nuisances and annoyances.—These sunds, as well as the execution of the powers of the different acts, (excepting where the interference of Magistrates are necessary) are placed in the hands of trustees

trustees, of whom, in many instances, the Church-wardens or Parish Officers for the time being, are members ex officio; and by these different bodies, all matters relating to the immediate safety, comfort, and convenience of the inhabitants are managed and regulated.

These regulations, however, are mostly founded upon statutes made in the last and present reign.

The act of the 2d of William & Mary, cap. 8, for paving, cleanfing, &c. within the city and liberties of Westminster, and the bills of Mortality, not having been found applicable to modern improvements, new systems became necessary, and the result is that an incredible number of private statutes applicable to the different parishes, hamlets, and liberties, composing the metropolis, have been passed within the last 50 years.

The act of the 10th of Geo. II. cap. 22, established a system for paving, lighting, cleansing, and watching the city of London: but the statute which removed signs and sign-posts, balconies, spouts, gutters, and those other encroachments and annoyances, which were felt as grievances, by the inhabitants, did not pass till the year 1771.—The 11th of Geo. III. cap. 29, contains a complete and masterly system of that branch of the Police which is connected with municipal regulations, and may be considered as a model for every large city

in the empire.—This excellent act extends to every obstruction by carts and carriages, and provides a remedy for all nuisances, which can prove, in any respect, offensive to the inhabitants; and special commissioners are appointed to ensure a regular execution. It is further improved by the 33d of His present Majesty, cap. 75.

In the city and liberty of Westminster also, many new and useful municipal regulations have been made within the present century.—The acts of the 27th of Elizabeth, and 16th of Charles I. divided the city and liberties into 12 wards, and appointed 12 burgesses to regulate the Police of each ward, who, with the dean or high steward of Westminster were authorised to govern this district of the metropolis.

The act of the 29th of Geo. II. cap. 25, enabled the dean or his high steward to chuse 80 constables in a court leet: and the same act authorised the appointment of an annoyance jury of 48 inhabitants to examine weights and measures, and to make presentments of every public nuisance either in the city or liberty.—The act of the 31st of Geo. II. cap. 17, and 25, improved the former statute, and allowed a free market to be held in Westminster.—The act of the 2d of George III. cap. 21, extended and improved the system for paving, cleansing, lighting, and watching the city and liberty, by including six other adjoining parishes and liberties in Middlesex, which act was afterwards

afterwards amended by the 3d of His present Majesty, cap. 23.—The act of the 5th and 11th of the same reign, cap. 13, 22, and 50, made further improvements in the general system by which those branches of Police in Westminster are at present regulated.

In the borough of Southwark, also, the same system has been pursued; the acts of the 28th of his late Majesty, cap. 9, and of his present Majesty, cap. 24, having established a system of municipal regulations, applicable to this district of the metropolis, relative to markets, backney coach stands, paving, cleansing, lighting, watching, marking streets, and numbering bouses, and placing the whole under the management of commissioners.

In contemplating the great leading features of municipal regulation, nothing places England in a fituation fo fuperior to most other countries with regard to cleanliness, as the fystem of the Sewers, under the management of special commissioners, in different parts of the kingdom, and introduced so early as the 6th year of Henry VI. and organized by the 6th, 8th, (cap. 10) 23d, (cap. 5) and 25th (cap. 10) of Henry VIII.—afterwards improved by the 3d and 4th of Edward VI. (cap. 8(1st of Mary, (cap. 11) 13th of Elizabeth, (cap. 9) 3d of James (cap. 14.) and 7th of Anne, (cap. 10)

Sewers being early introduced into the metropolis, as well

well as into other cities and towns—in consequence of the general system, every offensive nuisance was removed through this medium, and the inhabitants early accustomed to the advantages and comforts of cleanliness.

Another feature strongly marking the wisdom and attention of our ancestors, was the introduction of water for the supply of the metropolis, in the reign of James I. in 1604. The improvements which have been since made for the convenience of the inhabitants, in extending the supplies by means of the New River, and also by the accession of the Thames water, through the medium of the London Bridge, Chelsea, York Buildings, Shadwell, and other water works, are unnecessary to detail.

The acts of the 9th of Queen Anne first established the regulations with regard to hackney coaches and chairs, which have been improved and extended by the subsequent statutes of the 1st of George I. and by the 4th, 7th, 10th, 11th, 12th, 24th, 26th, and 32d of George III.

These acts authorise one thousand coaches and four bundred backney chairs, to be licensed for the accommodation of the inhabitants of the metropolis, and the Magistrates as well as the commissioners are empowered to decide in a summary way, upon all complaints arising

arifing between coachmen and chairmen and the inhabitants, who may have occasion to employ them.

Carts and other carriages have also been regulated by the different acts made in the 1st year of the reign of George I. (cap. 57) the 18th, (cap. 33) 24th, (cap. 43) and 30th of George II. (cap. 22) and the 7th, (cap. 44) and 24th (cap. 27) of His present Majesty, which several statutes contain a very complete system, relative to this branch of Police, where all complaints arising from offences under these acts, are also cognizable by the Magistrates in a summary way.

The act of the 34th of George III, (cap. 65) established an improved system, with regard to watermen plying on the River Thames.—The Lord Mayor and Aldermen are empowered to make rules and orders for their government, who, with the Recorder, and the Justices of the Peace of the respective counties and places next adjoining to the Thames have equal jurisdiction in all situations between Gravesend and Windsor, to put in execution not only the laws, but also the rules and orders relative to such watermen, which shall be sent to the several Public Offices in the metropolis, and to the Clerks of the Peace of the counties joining the Thames, within 30 days after such rules are made or altered.

By this act the Magistrates have a power to fine watermen for extortion and misbehaviour, and persons

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refusing to pay the fares authorised by law, may be compelled to do so, with all charges, or be imprisoned for a month; and whoever shall give a waterman a siculious name or place of abode, forfeits £5.

Offences relative to the driving of cattle improperly, usually termed bullock bunting, are also determined by the Magistrates in the same summary way, under the authority of an act passed the 21st of His present Majesty, (cap. 67) by which every person is authorised to seize delinquents guilty of this very dangerous offence.

The last great feature of useful municipal Police which the Author will mention, are the excellent regulations relative to buildings, projections, and fires, first adopted after the fire of London in 1666, and extended and improved by several Acts of Parliament passed from that time down to the 14th of His present Majesty.

This of the 14th of George III. cap. 78, which repeals the former acts, befides regulating the mode of building houses in future, so as to render them ornamental, commodious, and secure against the accidents of fire, established other useful rules for the prevention of this dreadful calamity, by rendering it incumbent on Churchwardens to provide one or more engines in every parish, to be in readiness, on the shortest notice,

to extinguish fires, and also ladders to favour escapes, and that every facility might be afforded with regard to water; -it is also incumbent on the Churchwardens to fix stop-blocks and fire-plugs at convenient diftances upon all the main pipes within the parish, and to place a mark in the street where they are to be found, and to have an instrument or key ready to open such fire-plugs, fo that the water may be accessible for extinguishing fires on the shortest possible notice, and that every thing might be done to enfure facility and dispatch; the person bringing the first parish engine to any fire is entitled to 30s. the fecond to 20s. and the third to 10s. paid by the parish, excepting in cases where chimnies are on fire, and then the expence ultimately falls upon the person inhabiting the house or place where it originated.

This excellent statute, so salutary in its effects with regard to many important regulations of Police, also obliges all beadles and constables, on the breaking out of any fire, to repair immediately to the spot with their long staves, and to protect the sufferers from the depredations of thieves, and idle and disorderly people, and to assist in removing effects and in extinguishing the slames.

These outlines will explain, in some measure, by what means the system of the Police, in most of its great seatures, is conducted in the metropolis—to which it may be necessary to add, that the beadles of

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each

each parish are the proper persons to whom application may be made in the first instance, in case of any inconvenience or nuisance, which the inhabitants may wish to have removed.

The City and Police Magistrates in their respective Courts, if not immediately authorised, upon every pressure, to remedy the wrong that is suffered, will point out how it may be effected.

It is, however, earnestly to be wished, that (like the Building Act just mentioned) one general law, comprehending the whole of the excellent regulations made for the city of London (so far as they will apply) could be extended to every part of the metropolis, that a perfect uniformity might prevail, both with regard to the offences committed, and also with respect to the penalties and punishments to be inslicted for such misdemeanors as may abridge the comfort or convenience of the inhabitants.—At present it often happens, that an offence in one parish is no act of delinquency in another.

The great object is to simplify every system as much as possible;—complicated establishments are always more expensive than is necessary, and constantly liable to abuses.

The annual expence to the inhabitants, in confequence of those municipal regulations which relate to highways, paving, lighting, watching, cleansing, removing nuisances, and furnishing water, &c. is perhaps

haps higher than in any other city in the world.—Including the poors-rate, it amounts, on an average, to full 25 per cent. on the gross rental of the metropolis, and is supposed to exceed one million sterling a year!

A fuperintending Police would, in many inftances, correct that want of intelligence which is apparent, and enlighten the local managers in fuch a manner, as not only to promote objects of economy calculated to abridge and keep within bounds an enormous and growing expence, but also to suggest improvements by which it might be reduced, and many solid advantages acquired by the Community.

It is impossible to examine, with the mind of a man of business, the various establishments which have become necessary for promoting the comfort and convenience of great societies, without lamenting, in many instances, the unnecessary waste that prevails, and the confusion and irregularity which often ensue merely for want of system, judgment, and knowledge of the subject.

Various indeed are the evils and diforders which time engenders in every thing connected with the affairs of civil Society, requiring a constant and uniform attention; encreasing as the pressure encrease, for the purpose of keeping them within bounds, that as much happiness

happiness and comfort may be extended to the people as can possibly arise from regulations sounded on great intelligence, the result of indefatigable labour, and much zeal for the public good.

We are arrived at an epoch full of difficulties and dangers, producing wonderful events, and still pregnant with consequences in their nature stretching beyond the usual course of human conjecture, where it is impossible to judge of the ultimate issue.

Under fuch circumstances it becomes more than ever necessary to make prudent arrangements for the general safety—for amending the morals and promoting the happiness of the people by improved laws, extending protection to all, and correcting those evils and prefsures which are selt as a burden upon the community.

CHAP. XV.

A fummary View of the various evils detailed in the preceding Chapters.—The unparalleled amount of moving Property in the Metropolis.—An increase of two thirds within the last half century in commerce as well as manufactures;—besides being the Seat of Government, Law, Learning, the sine Arts, and the resort of the opulent from every part of the Empire—London is not only the greatest deport for merchandize, but the first manufacturing town in the world.—13.500 Vessels arrive in the Thames in a year, besides river crast, bringing and carrying away property to the extent of £70.000.000. Sterling.

In addition to this, 40.000 waggons and other carriages arrive and depart with provisions and merchandize in the course of a year, estimated at £50.000.000—add to this, the merchandize in the maritime magazines, piece goods warehouses, shops, manufactories, public markets, dwelling bouses, inns, and other repositories, £50.000.000. which, with the national property in ships of war, in transports, and in different repositories, supposed to amount to £52.000.000 more, making an aggregate of Two Hundred and Twenty Two Millions, exposed more or less to embezzlement, fraud, and depredation, upon this wast scale the estimated depredations do not reach one per cent.—The injury to public morals greater than what arises from

loss of property ;- A serious consideration in a political point of view, in consequence of so many being implicated in this species of criminality, whose bad babits and evil example must have an immediate effest on the rifing generation .- Additional arguments drawn from this source in favour of a more energetic police, and the adoption of the remedies suggested in this Work-not fingly or by piece-meal, but by a combination of the whole. - A wide field opened for men of talents, virtue, and philanthropy .- The summary of evils continued, as they relate to the deficiency of the fystem, with respect to the detection and trial of offenders-rewards to officers-a Profecutor for the Crown-compounding felonies .- The further evils arifing from punishments, and from the defective state of the Police System .- The national security depends more on this than is generally supposed.

A general View of the Remedies classed under eight different heads, 1st.—Offences relative to the corruption of morals—2d.—To the Prevention of Crimes in general—3d.—To Pillage and Plunder on the River Thames—4th.—To Frauds, Embezzlement, and Thests in the public Arsenals and Ships of War—5th.—To coining, selling, and uttering base Money.—6th.—To Punishments and Pardons—7th.—To Impersections in the present System of Police—8th—To Evils not provided for by existing Laws—The Conclusion.—

IN taking a fummary view of the various evils and remedies which have been detailed in this Work,

it may be right previously to apprize the reader, that in contemplating the extent and magnitude of the aggregate depredations which are presumed to be committed in the course of a year, it will be necessary to measure them by a scale proportioned to the unparalleled amount of moving property which is exposed in transit in this great Metropolis, as well as the vast and unexampled increase of this property, within the last half century: during which period, there is certainly an accumulation of not less than two thirds in commerce as well as in manufactures.

It has, perhaps, not generally attracted notice that besides being the Seat of the Government—of the Law—Learning, and the fine Arts,—the resort of the nobility and the opulent from every part of the British Empire, however distant;—that London, from being a great depôt for all the manusactures of the country, and also the goods of foreign nations, as well as colonial produce, is not only the first commercial city that is known at present to exist, but is also one of the greatest and most extensive manusacturing towns perhaps in the universe; * combining in one spot every attribute that can

occasion

^{*} The Author has just grounds to believe, from information which he has received, that many important and interesting details relative to the Commerce and Manufactures of the metropolis, hitherto scarce noticed by former writers, will make a part of a very copious work, entitled, A Description of London and the Circumjacent Country, which will soon be published by Mr. Stockdale, who has already granfied the Public by a similar Work of great merit, containing a History of Manchester and Liverpool, &c. in which the rapid increase of property arising from Commerce and Manufactures is delineated by stating facts of a very extraordinary and interesting nature.

occasion an affemblage of moving property, unparalleled in point of extent, magnitude, and value, in the whole world.—Since it is known that above 13.500 veffels, including their repeated voyages, arrive at and depart from the port of London, with merchandize, in the course of a year, besides a vast number of river crast employed in the trade of the interior country, bringing and carrying away a property which passes in transit, estimated in all at seventy millions sterling.—

In addition to this, above 40.000 waggons and other carriages used by waggoners and carriers, including their repeated land voyages, are estimated in like manner, to arrive and depart loaded in both inftances, with articles of domestic, colonial, and foreign merchandize, occafioning a transit of perhaps (when cattle and provisions, fent for the confumption of the inhabitants, are included) fifty millions more; -and if to this shall be added the immenfe quantities of merchandize and moveable property of every species and denomination, which are deposited in the various maritime magazines, timber yards, piece-goods warehouses, shops, manufactories, store-houses, public markets, dwelling boufes, inns, new buildings, and other repositorics, which passes in transit from one place to another, in the course of a year, in this great metropolis, it will establish a foundation for supposing that in this way fifty millions at least is more or less exposed to depredation, in the course of a year, making an aggregate of One Hundred and Seventy. Millions, independent of the moving articles in ships of war and transports, and in the different arfenals, dockyards, and repositories in the Tower

Tower of London, and at Deptford, Woolwich, Sheerness, and various smaller magazines, in the daily course of being received and sent away, by which an immense property becomes exceedingly exposed in all the various ways which have been already explained: it will cease to be a matter of surprise, when the estimated annual depredations (large as they are) come to be measured by the enormous scale which has now been developed, that they amount to so large a sum: but being so measured, it sinks to a trisle in contemplating the magnitude of the aggregate, scarce reaching one per Cent of the value of property passing in transit in the course of a year, although estimated at Two Millions, One Hundred Thousand Pounds Sterling!

It is not therefore so much the actual loss that is sufstained (enormous as it certainly is,)—which is to be deplored, as the mischief which arises from the destruction of the morals of so numerous a body of people who must be directly or collaterally engaged in perpetrating smaller offences, and in fraudulent and criminal pursuits.

This, in a political point of view, is a confideration of a very ferious and alarming nature, infinitely worse in its consequences than even those depredations which arise from acts of violence committed by more atrocious offenders, whose numbers have been shewn to be small in comparison with other delinquents, and who do not appear to have encreased in any material degree for the last 50 years, while inferior thests, river plunder,

plunder, pillage, embezzlement, and frauds, in respect to public property, coining base money, cheating by various swindling practices, and purchasing and dealing in stolen goods, have experienced an accumulation, commensurate to the great and rapid inslux of wealth which has arisen from the vast increase of the commerce, and manufactures of the country.

The evils therefore are the more prominent as they have become so exceedingly diffused, implicating in criminality a phalanx of individuals, of whom a very large proportion were formerly untainted with any of that species of delinquency which now renders them, for their own sakes—for the benefit of their samilies—and for the interest of public morals, objects of peculiar attention on the part of the legislature, as well as the police of the country.

The habits they have acquired are, doubtless, very alarming, as in the destruction of their own morals, they also destroy those of the rising generation, and still more so, as the existing laws, and the present system of police, have been found so totally inadequate to the object of prevention.

Indeed it is but too evident that nothing useful can be effected without a variety of regulations, similar to those which have been suggested in different parts of this Work.

It is not, however, by the adoption of any one remedy fingly applied, or applied by piece-meal, but by a combination of the whole legislative powers, regulafuggested, that crimes are, in any degree, to be prevented, or kept in check.

But fuch remedies will neither be complete nor effectual, unless there is a sufficient fund appropriated for the purpose of giving vigour and energy to the general system.

The object is of fuch aftonishing magnitude, and the abuses which are meant to be corrected, are of so much consequence to the *State* as well as to the *individual*, and the danger of a progressive increase is so evidently well established, by what has taken place, that it is impossible to look at the subject with indifference, now that it is developed and understood.

It opens a wide field for doing good, to men of virtue, talents, and abilities, who love their country and glory in its prosperity.

Such men will fpeedily perceive that this profperity can only be of fhort duration if public morals are neglected—if no check is given to the growing depravity which prevails, and if measures are not adopted to guard the rising generation against the evil examples to which they are exposed.

The Philanthropists will also in this volume find abundance of scope for the exercise of that benevolence, lence, and those efforts in the cause of humanity, which occupy their attention, and constitute their chief pleasure.—It is earnestly to be hoped that it may produce an universal desire to attain those objects which are shewn to be so immediately connected with the public good.

Next to the evils which are experienced from actual depredations upon property, from thefts, robberies, and embezzlements, -- from fabricating base money, -and from frauds, forgeries, cheating, fwindling, and receiving stolen goods, many pressures arise from the defects in the laws relative to the detection, trial, and conviction of offenders; - particularly with regard to the jurisdiction of the city and police Magistrates, -- the rewards to Officers of Justice, watchmen, patroles, and beadles, who may act meritoriously in apprehending delinquents; and also in the subsequent trial of persons charged with offences, where, for want of a general Profecutor for the Crown, to attend to the public interest, and to prevent those frauds in suborning evidence, and in compounding felonies, whereby many of the most abandoned are let loose upon Society, while those who are novices in crimes are often punished.

The next in the class of evils is that which arises from the laws as they now stand, relative to punishments.

—Their extreme severity, in rendering such a multitude of crimes capital, which Juries can never be made to believe are of that nature, in point of atrocity,

a very ferious misfortune to the country in the administration of criminal justice.—Because the punishment is too severe, it frequently happens that the delinquent is sent back upon society encouraged to renew his depredations upon the public from the circumstance of his having escaped (although guilty) without any chastisfement at all.

It is unquestionably true, and little doubt is entertained, but it will so appear to all who will attentively examine this work, that the dread of severe punishment, in the manner the law is executed at present, has not the least effect in deterring hardened offenders from the commission of crimes.

The catalogue of offences rendered capital in the last and present century, affords a melancholy proof of the sanguinary nature of our criminal code, exhibiting features of severity by no means reconcileable either to the genius of the people, the principles of humanity, or the true spirit of civil liberty.—An opinion seems to have been formed, that crimes were to be prevented by the severity of the punishment.

That this opinion has been erroneous is now proved by incontestible evidence adduced in various parts of this work, and elucidated by a variety of reasoning which it is hoped cannot fail to bring conviction to the mind of every reader who will bestow time in the investigation vestigation of a subject of great importance to Society.—

The last in the catalogue of evils which has been detailed, are those deficiencies and imperfections, which arise from the Police System, as explained in the 13th and 14th Chapters—a variety of pressures are stated to originate from this source, and reasons are adduced, in their nature calculated to shew that the national security, and consequently its prosperity, are more dependent on a well-regulated and correct System of Police, than has been generally supposed.—

Having thus briefly glanced at the different preffures and evils, which are detailed in this work, it now becomes necessary to lay before the reader the fame collected view of the remedies.

In accomplishing this object, while the Author ventures to indulge a hope that these remedies, or at least a part of what has been suggested, may be brought in due time under the consideration of the Legislature for the purpose of being enacted into Laws, or otherwise carried into effect, where legislative aid may not be necessary, they are presented to the reader under eight distinct heads, applicable to the nature of the peculiar evils and pressures which are meant to be remedied, whether the same relate to Public Morals—To the Prevention of Crimes in general—To the Plunder and Pillage on the River Thames—To the Frauds, Embezzlements, and Thests

in the Public Arfenals, Ships of War and Transports-To the coining, felling, and uttering of Base Money-To Punishments and Pardons-To Imperfections in the present System of Police-or to Evils not provided for by existing Laws.

PRIMO.

Remedies proposed for the Removal of those Evils which relate to

PUBLIC MORALS.

The first object, with a view to the prevention of crimes in great focieties, is to look accurately at whatever has a tendency to the corruption of Morals, fince it is from this fource alone that offences of every denomination have their origin.

With a view to the correction of those evils which arise from improper Education and idle and bad habits, the following Propositions have been offered to the confideration of the Public-

- 1. That in order to prevent, as far as possible, the vices and immorality which are generated in diforderly public houses, it is proposed to legalize certain regulations which are elucidated and explained in page 42.
- 11. That for the purpose of checking those evils which arise from Idleness, turning the mind to fraud by a variety of tricks and devices whereby multitudes in this metropolis live by fwindling, cheating, and gambling, it is proposed to extend the description of the Act of the 30 Geo. II. cap. 24, relative to persons obtaining goods by false pretences-to Horses, Cattle, Bank Notes, Bills, Notes of Hand, " or any other device by which another is " defrauded

12

" defrauded of his just right, and where an intention to " deceive the party ultimately wronged can be made " appear," (vide page 148, and note 149, also pages 177 to 186, where these mischiefs are fully explained and elucidated.)-And also to extend the act of o Queen Anne, cap. 14, which enables Justices to bind over to their good behaviour perfons who support themselves for the most part by Gaming-to a more enlarged description of immoral persons, who are fuspected to live by acts of fraud and fwindling, wherever they cannot shew that they have any estate or visible means of living in honesty, (vide page 150.) ---- And further to extend the laws now in being refpecting Lottery vagrants, to proprietors or keepers of Gaming-houses, and also to waiters, fervants, and affistants, who, on being apprehended, may, on proper proof, be punished as rogues and vagabonds .-(vide pages 160 and 161.)

- III. The laws relative to the Lottery being still extremely imperfect, from which source arises infinite mischiefs immediately tending to the corruption of morals, it is proposed to amend these laws by the adoption of certain regulations explained and elucidated in pages 161 to 169, and particularly those under the eight different heads in pages 170, 171, and 172.
- IV. That all members of friendly focieties, legalized and enrolled by the act of the 33d Geo. III. cap. 54, who are convicted of being concerned, in any manner of way, in illegal infurances, or transactions in the Lottery contrary to law, thall (by law) be excluded and expelled from the faid focieties, and shall torfeit all right and benefit arising from their being members of the same—

 13 The advantages of this regulation in guarding a vast body

body of working people against the delusion of the Lottery, is explained in page 166, and in a note 167.

V. The statutes relative to Servants, Handicrasts, and Labourers, are numerous, and some of them appear even to be marked with seatures of severity beyond what the offence would seem to deserve, where the turpitude is confined to a slight breach of a civil contrast. In all these laws, however, menial or domestic servants are excluded; to them no punishment attaches at all, by any statute, for breaches of moral duty; and hence great inconveniencies arise, and vices are generated, which might otherwise, by mild regulations, have been prevented.

It would therefore exceedingly ferve the cause of morality, if the whole laws relative to servants were revised, and a general system, somewhat milder than the present adopted, in which menial servants may be included—vide pages 14. 155. 164, 165, and 166—further explained in page 470, 5th Article.

VI. To enforce the observance of those particular duties of Morality and Religion which in their nature are most inpurious to Society, by the fame penalties which are inflicted for small breaches of civil contracts. Great evils arife at present from numbers of the lower orders cohabiting together without matrimony (vide note page 43); alfo from grofs acts of feduction by means of promifes of marriage, and other fraudulent and criminal devices, by which unfuspecting innocence is entrapped and betrayed, for which the law has provided no punishment that in its nature can operate as a means of prevention with the mass of the lower orders of the people, vide page 266. The offence of adultery is not to be found in the criminal code; to which cause is to be attributed the many instances which occur of criminal intercourse between the Ff 2 fexes

fexes in the lowest ranks of life in the metropolis, destroying those ties which bind Society together, and annihilating every sense of morality and virtue—vide pages 266 and 267.

VII. To establish a less expensive system, with respect to the recovery of small debts, by properly-constituted Courts of Justice, and by other regulations calculated to preserve the morals of unfortunate families, by restoring virtuous parents to their offspring, whose misfortunes, and not their crimes, have doomed to the horrors of perpetual impriforment. Vide pages 420 to 426.

Establishments relative to the Corruption of Morals, depending chiefly on private munificence, and where legislative regulations are not immediately necessary.

- I. The establishment of an afylum, or place of industry, for poor, indigent male outcasts discharged from gaols after punishment, and who are willing to work, but unable to obtain the means of subsistence on account of the loss of character, vide notes in pages 99 and 311, also pages 98, 99, 100, 250, 310, 311, 312, and 313.
- II. The establishment of an asylum, or place of industry, for poor, indigent, semale outcasts discharged from gaols,
 and miserable, forlorn prostitutes, who are willing to work for their substitutes, but unable to find employment on account of the loss of character, vide notes in pages 99 and 311.*
- *When it is considered that (including the various classes) above Fifty Thousand Females are supposed to live chiefly by Prostitution in this great Metropolis; a strong impulse must arise in the mind savourable to an institution which would afford the means of reforming the morals of at least a part of these unfortunate and miserable outcasts.

These two establishments (it has already been stated) would prove great acts of charity and humanity. At present a numerous body of unfortunate persons who have suffered punishment for offences, or who have been victims of seduction and prostitution, having no means of subsistence, from loss of character, are often reduced to the shocking alternative of returning to criminal pursuits, when their punishments and their missfortunes had given their minds a bias favourable to reformation and industry.

It would not be very difficult, with good and proper management, to introduce fuch beneficial works as would nearly, if not wholly cover the expence in both establishments.—The males might be employed in fpinning twine and making cordage, who have not been bred to particular mechanical employments, which could be carried on in fuch afylums: while the females could be subsisted from their labour in tambour-embroidery-in needlework-in binding shoes-finishing glovesmaking flops and foldiers' and feamens' fbirts-knitting flockings-picking cotton-and many other branches where the works might be procured by the exercise of proper industry and intelligence, and by understanding and following up the refources which this great metropolis affords for every species of human labour .- The Author has appropriated the profits of the prefent and former edition of this work, to their full extent, as a small beginning, to be added to the more ample donations of men of opulence and philanthropy who

who may be induced to form such establishments, than which nothing perhaps would tend in a greater degree to rescue thousands from misery and new crimes, and to prevent that extreme corruption of morals which otherwise must progressively increase, producing consequences of the most alarming nature whether considered in a moral or political point of view. Vide note 99 and 311.

III. An inflitution for preventing corruption of morals among menial and other fervants, by means of an affociation of mafters and heads of families, who shall promife and engage to make it an express condition with all fervants employed by them, whether male or female, that gaming in the lottery, by means of fraudulent infurances, shall subject them to an immediate discharge and the forfeiture of a certain portion of their wages.

A regulation of this fort carried into execution generally in every parish in the metropolis, would have a wonderful effect in preserving the morals of servants, and consequently of saving numbers who are led by this unaccountable mania into acts of imprudence, indiscretion, and criminality which terminates at length in their destruction* vide pages and notes 164, 165, and 166.

SECUNDO.

^{*} It is calculated that there are feldom less than Ten Thousand Servants of both sexes at all times out of place in the metropolis.—This is one proof, among many others, of the depravity which prevails, and of the importance of the regulation which is proposed.

SECUNDO.

A fummary View of the Remedies suggested in this Work for guarding the Public against Fraud and Depredation, and for the

PREVENTION OF CRIMES.

1. The principal Remedies applicable to these important objects relate to the Receivers of stolen Goods, and will be found specifically detailed under 9 different heads, in pages 202, 203, 204, 205, and 206; and the propositions therein contained, are explained and elucidated in pages 45, 46, 47, 50 to 56, 57 to 77, 96 to 106, 107, 108, 110, 172, 188 to 206—223. 225 and 226—and also 397 and 398.

The first proposition relates to a consolidation of the laws now in being relative to Receivers of stolen Goods—and the remaining eight suggest the utility of —1st, Making the Receiving of stolen Goods an original offence.—2d, Extending this offence to money, bank notes, horses, cattle, &c.—3d and 4th, To the competency of the Receiver's evidence, and to rewards.—5th and 6th, To the Regulation of various Dealers in Old Iron, and other articles.—7th, To the Drivers of Hackney Coaches.—and 8th, to Watchmen and Patroles, forming upon the whole a system of Prevention, which, if sanctioned by legislative authority, would certainly restrain the Commission of Crimes in a very eminent degree.

Other regulations, tending to the fame object, are

also mentioned in pages 107, 156, 157, 158, 159, 160, and 175, and relate

- 2. To a proposition for registering Lodging-Houses, where the rent does not exceed 10s. weekly. Vide page 107.
- 3. To a proposition for rendering it incumbent on Magistrates to license Pawnbrokers, and to refuse such licence it proper evidence of good character is not adduced, and also security for good behaviour. Vide note, pages 156 and 157.
- to Pawnbrokers, the adoption of which would tend, in an eminent degree, to the benefit of the poor, and to the comfort and protection of the lower ranks of the people as well as to the prevention of Crimes.—These, the Author has already digested, and will have great satisfaction in bringing sorward whenever the period shall arrive, that the attention of the Legislature shall be turned to Objects of Police.
- 4. To a proposition for rendering it also incumbent on Magistrates to license Hawkers and Pedlars, as explained in pages 157 and 158.
- 5. To a proposition for rendering it, in like manner, incumbent on Magistrates to license diurnal Shop-auctioneers, as explained in pages 158, 159.
- 6. To a proposition for extending similar Regulations to Advertising Money Lenders, as explained in page 160.
- 7. To a proposition for a general law relative to Weights and Measures, applicable to the whole of the Metropolis. Vide page 175.

TERTIO.

A summary View of the Remedies suggested for the prevention of Pillage and Plunder in Ships and Vessels, and upon the Wharfs and Quays on the River Thames.

The regulations relative to small dealers in stores, cordage, handstuff, metals, &c. which have been recommended as one of the great remedies for the prevention of crimes, if adopted and legalized by the legislature, with additional checks which may be established by the merchants themselves as explained in the 72d page, will go very far towards the correction of many of those evils which have been detailed in the 3d Chapter. But the most effectual relief will probably be derived from the establishment of proper docks which shall render the transit of valuable commodities by lighters and other craft unnecessary. Vide pages 57 to 77.

In addition, however, to those requiring legislative affistance, there are other regulations, (part of which have been already noticed) which may be immediately adopted by the merchants of their own motion and authority, calculated to give very considerable relief if carried into effect, with a proper regard to system, and under circumstances where a due execution may be ensured.

They are detailed as follows: ---viz.--

1. That the excellent regulations of the West-India merchants, at their meeting held the 27th April 1790, be carried effectually into execution, and due provision made for that purpose.*

- 2. That at least four good and able men skilled in maritime affairs, and acquainted with the navigation of the Thames, be appointed as harbour-masters, to have under their controll fix boats' crews who shall be constantly on the watch to detect offenders.
- 3. That the discharge of Vessels, particularly in the West-India trade, be facilitated as much as possible.—That for this purpose partial entries (as far as it is practicable) shall not only be abolished, but also the practice of allowing 30 days from the report, for the discharge of rum.
- 4. That a total abolition should also take place of the practice of drawing 12lb. of Sugar from every hogshead, under the presence of a sample—this, upon 140.000 Hhds. of Sugar imported in 1794, amounts to 1.680.000 lbs. and at 8½d. per lb. is £60.000 a year—for samples alone!
- 5, That the Captain and Mate (or at least the Mate) should be always on board, during the discharge of every vessel, which, in no case whatever, should be left to the care of lumpers.
- 6. That the rules established by the East-India Company, with regard to lumpers, should be adopted by merchants, and importers of every description, and none admitted to labour on board of any ship, who had frocks, or wide
- * Vide Report of the Committee of the House of Commons, on the best mode of providing accommodation to the Trade of London, page 98, Appendix (Z) where these Resolutions are specifically detailed.

trowfers.

trowfers, or any loofe dress; nor should such lumpers be permitted to go on shore till the evening, and then each of them to be searched on leaving the ships' side.

- 7. That in all cases where vessels discharge in the stream, no goods of a portable nature, or liable to be pilsered, should be permitted to be unshipped in any other crast, than close lighters locked, and secured with double keys, one to be kept by the Revenue Officer, and the other by the Wharsinger.
- 8. That Wharfingers should be liable for plunderage of goods in the warehouses under their charge (which is known to be very extensive at present) and it should be incumbent on such Wharfingers or Warehouse-men to see that all sugar casks are stowed upon their bulge, and not upon their ends as at present, to prevent drainage.

And finally by a Regulation of the Executive Government—To encrease the falaries of the tide-officers, fo as to put them above the temptation of conniving at fraud and plunder-they have a certain appearance to support, while their falaries are not equal to common labourers.—This in a manner compels them to be immoral, and to reconcile acts of fraud with the perquifites of office, because their necessities are preffing and must be supplied.—It is an ill-judged parfimony.-The Revenue in every department, where inferior officers are destined to prevent frauds, would be exceedingly benefited by a confiderable augmentation of their falaries, particularly in the Customs and Excise, while at the same time the moral principle would be preferved. Thefe These regulations, enforced by a correct system of police, (vide pages 29, 76, 206, 207, 374, and 389 to 395) would produce unspeakable advantages in the prevention of crimes, and in the protection of commercial property.

QUARTO.

A Summary View of the Remedies Suggested for the prevention of Abuses, Frauds, Plunder, and Pillage in the Navy, Vietualling, and Ordnance Departments—in Ships of War and Transports—in Dock-Yards and other Repositories.

The fourth Chapter (from page 77 to 93) explains the extreme mischiess which at present are experienced in this particular department, and the remedies are digested under nine distinct heads in the 90th and 91st pages, from which a bill in Parliament may be formed, with such improvements and alterations, as a full discussion of the subject shall suggest.

In addition to fuch regulations as require the fanction of the Legislature, others are proposed, which the Lords of the Admiralty are competent to establish without the interference of Parliament, as they merely relate to the management of their own servants. —These Regulations may be classed under fix different beads as follow.

- 1. The Abolition of the perquifite of Chips, as explained in pages 87 and 88.
- 2. The introduction of various checks in the mode of keeping the accounts of stores received and delivered, similar

to the mode practifed in the Excise, as far as such a system can be applied to the different public repositories. Vide page 91.

- The total abolition of fees, perquifites, and gratuities, in every public department, connected with the navy or army, page 81.
- 4. The Increase of Salaries to Officers, Clerks, and Servants of every description, in proportion to the decrease of the value of money, and the means of living, since their Salaries were fixed above a century ago, and in some degree, in proportion to the emoluments arising from legal fees or perquisites, so as to place every person holding a public trust above those temptations which induce needy and distressed individuals to depart from the rules of common honesty. Pages 91 and 92.
- 5. The Establishment of a rule by which an annual inventory shall be taken of the public stores, and accounts made up in such a manner as to shew how every article has been applied, thereby forming a competent check upon the Officers who receive and deliver such stores. Vide page 86.
- 6. The Establishment of proper Officers, and Boats' Crews under the management of the Police, at each dock-yard, to prevent the embezzlement and removal of stores, or any public property whatsoever. Vide page 84.

The advantages to be derived from such a system have been already so fully explained, and the necessity of the measure is so obvious, that it seems unnecessary to enter into surther detail.—But if any doubt remains

as to the exceeding great temptation which prevails at present, let it be recollected, that no nation in the universe ever possessed fuch a mass of floating and stationary property as at present belongs to the British Government, exposed to embezzlement and plunder, as well as to the operation of frauds which are committed by a multitude of devices, easily to be comprehended from the following estimate.

in the act of receiving and discharging stores and provisions, occasioning a regular succession of moving property, exposed in a variety of ways, and amounting at all times, including the value of the ships while in service, to £1000. a gun, on 9182	
	£9.182.000
335 Ships of war of inferior force in the same situation at £750. £500. £400. £350. and £200. a gun,	
454 on 18.427 guns -	5.000.000
149 Ships, viz. 89 in ordinary, 32 building, 16 Receiving ships, and 12 repairing for service	1.500.000
500 Transports, having a constant succession of moving property estimated at £2000, each	
Naval, Vidualling, and Ordnance Stores in the fix	1.000.000
dock-yards at Deptford, Woolwich, Sheernefs, Chatham, Portfmouth, and Plymouth, and in the different Ordnance and public Repositories where property to a vast amount is deposited, and where, in time of war, it is in a constant state of sluctua-	
tion, and increase	14.000.000
Naval, Victualling, and Ordnance Stores, acquired in the course of a year, to renew those that are ex- hausted, unserviceable, or lost in time of war	3.500.000
Naval, Victualling, and Ordnance Stores, in Halifax, Antigua, and the East-Indies, belonging to the Public, and exposed more or less to embezzlement	1.000.000
Military Stores in different Arfenals, and moving with the Armies of the Empire	15.000.000
Total, Public Property, estimated at	50.182.000
	QUINTO.

QUINTO.

A summary View of the Remedies proposed for the purpose of preventing the Coining, Selling, and Uttering Base Money.

The frauds and abuses relative to this branch of Police are very fully detailed in the 6th Chapter; which also contains various propositions for remedying the different evils arising from base Coin.

- 1. That the existing laws relative to the Coinage from the 25th of Edward III. to the 25th of His present Majesty, be revised and consolidated, so as to render the whole clear, concise and explicit. Vide pages 132 and 133.
- 2. That the various propositions and regulations contained in pages 139, 134, 136, 137, 138, and 139, in this Work, arranged under fourteen different heads, be formed into an Act of Parliament, as having an immediate tendency to defeat the modern tricks and devices of Coiners, Dealers, and Utterers of base Money, and to remove the imperfections and desiciencies of the present Mint laws.
- 3. That a new Coinage of Silver should take place as a necessary appendage to the proposed improvements, in which, besides Shillings, and Sixpences, the introduction of Silver Coin of the value of 3d. is represented as likely to be productive of great benefit to the Commerce of the Country, relieving Traders of the inconveniencies arising from an encrease of the circulation of Copper Money. Vide page 140.
- 4. That a new Coinage of Copper Money, fimilar to the mafterly and beautiful fpecimens which were proposed to

be fabricated by M. Bolton, Efq. of Birmingham, in the year 1790, where counterfeits would not only be prevented to the great relief of the public, by means of the intrinsic and denominative value being nearly the same, but that through the medium of this species of Coin, an exportation might be promoted to foreign Countries beneficial to the nation in a very high degree, in the consumption of a home manufacture. Vide Note in page 136, also pages 140 and 141.

The Author has great fatisfaction in mentioning that the Solicitor to the Mint has been authorized to fubmit the fuggestions he has offered on this subject to the consideration of two able and experienced Crown Lawyers, who are preparing a Bill applicable to the evils which have been detailed, and which, it is hoped may not only be brought forward the ensuing Session of Parliament, but also that it may be succeeded by others applicable to the removal of the various other pressures which are detailed in this Work.

SEXTO.

- A summary View of the Remedies proposed for improving the System of Punishments and Pardons.
- 1. That the Criminal Code, fo far as relates to fevere punishments, and particularly to the punishment of death, should be revised, and rendered more consonant to humanity, and the sentiments of the public mind, so as to ensure convictions, by proportioning the punishment to the offence, and by abolishing the sentence of death, except where very atrocious crimes are committed. Vide Chap.

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Chap. XI. pages 256 to 301—alfo Chap. XII. pages 303 to 314, and 318, 319.

- 2. When the offence is of that atrocious nature as to deferve death, the execution of the criminal to be as folemn and terrific as possible, and conducted in such a manner as to impress upon the multitude who are spectators, a dread of the crime, while they admit the justice of the sentence, and the necessity of the sacrifice. Vide pages 319 and 349.
- 3. That capital convicts adjudged to be transported might be disposed of with great advantage to the public, by adopting the plan, digested under four distinct heads, relative to Transportation,—the Hulks,—Labour in Public Works, and Penitentiary Houses. Vide pages 348 and 349, elucidated in pages 320, 321 and 331 to 354.
- 4. That the plan of building National Penitentiary Houses, as authorised by the Acts of the 19th and 34th of His prefent Majesty, be carried into execution, and inferior and diseased offenders placed in these asylums. Vide pages 31, and 236 to 381.
- 5. That certain general rules be laid down as conditions on which pardons should be granted, as explained and elucidated in pages 27. 31. 314, 315, 316, 317, and 318, whereof the following is the substance, viz.
 - 1. That discoveries should be made, useful to public justice, pages 27 and 316.
 - through the medium of the Judges and Committing Magistrates, how far the delinquent merits the extension of the Royal Mercy, page 31.

3. That wherever the condition of the pardon is not transportation, or hard labour for life, security to be granted, by the parties making application, for the good behaviour of the delinquent. Page 316.

SEPTIMO.

- A Summary View of the Remedies proposed for improving the Police of the Metropolis.
- 1. That a Board of Police should be established, confishing of three responsible Commissioners, to act under the direction and controul of His Majesty's principal Secretary of State for the home department.
 - Their duty explained in pages 29, 374, 375, 376, and 377.—Idem under twelve different heads, 389 to 393.
 - The propriety of this fystem elucidated and enforced by various observations in the 1st, 2d, 3d, 4th, 5th, and 6th chapters, and also in pages 189, 190, 206, 207, 229, 230, 394 to 396.
- 2. That Counsel for the Crown, under the Attorney General for the time being, be appointed to carry on all prosecutions which relate to public wrongs for the purpose of preventing frauds in the administration of Justice, and protecting the sufferers from expence.

This proposition opened in page 31—explained in pages 245, 246, 247, 251, 252, 253, 260, and 274.

3. That Officers of Justice, Constables, Headboroughs, Watchmen, Patroles, and Beadles, should be encouraged by moderate rewards, to detect and apprehend every description of Offenders—explained and elucidated in pages 229, 230, 231, 235 and 243.

- 4. That Watchmen and Patroles in the metropolis should be under the control of Magistrates acting within the division—vide pages 235 and 236—the system to be improved with the addition of some Horse Patroles, and a greater allowance made to obtain able-bodied men, 231 to 234.
- 5. That the jurisdiction of the Magistrates of the City of London be extended to the whole of the metropolis, and that of the Police Magistrates to the City, so far as respects the detection of Offenders, and warrants to search for stolen property and coining-tools, &c. vide pages 239 and 240.
- 6. That the System of Police Magistrates be extended to the City of London, for the reasons stated in pages 366, 367, 368, 369, 370, 371, 372, and 373.
- 7. That Magistrates of Police should have the power of disbursing small sums of money for useful informations leading to the detection and apprehension of Offenders or the prevention of Crimes, vide pages 229, 230, 236, and 363, 364, 365.
- 8. That the inconveniencies arifing from the length of time which elapses before persons committing Offences in that part of the metropolis which lies in the county of Surry be removed—if possible, by making it lawful to try Offences committed in Southwark, at the Justice Hall at the Old Bailey, which may be done before a Jury of the vicinage, vide page 250.
- 9. That an arrangement be made for the improvement of what is denominated Civil Police, by the establishment of inferior tribunals for distributing justice in all actions of Debt under £50, and for the purpose of reducing the present enormous expence, and extending relief to traders in general.

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OCTAVO.

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- A Summary View of the Remedies for certain Evils which are not sufficiently provided for by existing Laws.
- 1. Persons who shall forge the firm of any commercial house, and thereby obtain goods upon the credit of such firm, are only punishable for a misdemeanor.—The forgery in this case, although of a tendency the most dangerous that can be conceived in a commercial Country, is not at present within the meaning of any existing statute, a circumstance that will scarcely be believed, when it is considered, how easy it is to obtain extensive credit, (from the unbounded considence which prevails in commercial transactions,) by using the firms or signatures of houses of known respectability.

A cafe in point occurred in 1796, where a person assuming the firm of a house of credit at Bristol, ordered goods from Manchester, desiring at the same time that the answer should be sent to Portsmouth, where one of the partners pretended to have gone on business.—By this device, two parcels of goods were obtained, and sold immediately by the sharpers at half the value, which being discovered by a Magistrate of Police, they were stopped in their career, and a number of unsuspecting manufacturers, both in Manchester and Leeds, guarded against the operation of a very complicated and artful conspiracy to defraud them of their property.—

It would certainly prove beneficial in the highest degree to place this offence, so dangerous in its nature, upon the same sooting as other forgeries.

- 2. A person setting fire to his own house, with a view to defraud the Insurance Office, is at present only considered as guilty of a misdemeanor, and if his house is at a distance from others where there is no danger of injury to the neighbourhood, it is no offence at all, known in our criminal code, even although it may appear to have been done with a view to defraud the Infurers .- It would feem that offences of fuch an atrocious nature, (and of which there have been but too many inflances of late,) might, with a view to the prevention of this enormous crime, be punished with transportation.-If the fire extends to another house, it is Arfon; but transactions of this fort being carried on in a hidden way, where only circumstantial evidence can be obtained, it would be difficult to find a jury to convict upon fuch evidence, if a person's life was at stake, and therefore it would probably be more beneficial to fociety, that the punishment did not extend to death, but to transportation either for life, or a shorter period, according to the malignity of the cafe.
- 3. Considerable inconveniencies arise, and many infamous persons escape with impunity, from the circuitous method which prevails at present, of punishing those seducers of innocence, the keepers of bawdy-houses.—At present they must be proceeded against by a bill of indistment—If a power was given to two or more Justices of the Peace, to enquire into these offences in a summary way, and on the conviction of such bawds, to commit them for three to six months to the house of correction, according to the enormity of the offence, it would go very far towards suppressing

pressing, at least, the evil of seduction; to which the attention of the Magistrate would be more particularly directed.

- 4. A confiderable inconvenience at prefent is experienced from the difficulty, as the laws now stand, of removing bad and profligate lodgers, who knowing the circuitous methods which may be reforted to, a vast expence is often incurred, by means of persons of litigious dispositions, resisting the notices of the landlords, and on the most trisling and frivolous occasions, engendered by the ill humour of the parties, considerable distress is often the result to both, ——In cases of smaller concern, where the rent does not exceed a few shillings a week, it would be an act of great humanity to empower Magistrates to decide in a summary way:—it would check that spirit of litigation which is the destruction of the labouring people.
- flands, has provided no remedy where menial fervants are refractory and behave ill, by leaving their fervice, or other missemeanors.—Servants in all other branches of labour are punishable by Justices in a summary way, from which good effects have arisen to the community; and the most able and experienced Magistrates have been of opinion, that similar benefits would arise from extending the same laws to domestic servants, who too often allow their ill-regulated passions to lead them into errors and improprieties, as well as crimes, against which their masters would be guarded, and themselves kept in their places, if examples could occasionally be made by inflicting slight punishments upon them in the same manner as upon other servants for breaches of moral contracts.

A regulation of this kind would greatly increase the number of good servants, and would probably do more to prevent bad ones, than any of the numerous and expensive schemes which philanthropic individuals have laudably set on foot to reform this class of individuals.

6. If some regulations could be established as a general law to prevent the gleaning corn, except for the benefit of the farmer, infinite advantages would arise in the preservation of the honesty of a great number of the labouring people in the country, whose morals are completely ruined in early life, through this medium alone.-Parents carry their children to the fields during harvest, exhibiting an example too often, to infants, which reconciles them at maturer years, to habits of pilfering, ruinous to themselves, and to society. It would, perhaps, be better for every farmer to pay double wages to gleaners, than permit gleaning on their own account.—The mischiefs arising from it must be obvious to every country Magistrate.—It first teaches the children of cottagers to become thieves in a little way, and afterwards ferves as a cover for more extensive depredations .- Almost every thief charged with stealing corn, pretends it was obtained by gleaning .-

The adoption of these various remedies could not fail to have a very salutary effect in the prevention of crimes,— in the security of life and property,—and in the increase of that species of useful industry and sobriety, which constitutes the strength and happiness of a nation.

In the effect of the fystem, great humanity would

be extended to labouring people, by removing those numerous temptations, which too often affail them, and induce many to become distinct, who would other wife have remained innocent and useful.

In travelling over so extensive a field, where every step is stained with turpitude and depravity, it is natural to suppose, that the contemplation of such objects will deeply affect the mind of the reader, and generate notions unfavourable to the human race.

Such impressions, however, must be cautiously cherifhed, while it is recollected, that extensive as the injuries appear to be, in the light in which they are placed; in order to appreciate their true amount, they must be measured by the scale of a large metropolis, full of temptations, where the depredations which are committed, while their amount ceases to be a matter of aftonishment when compared with the vast property that is constantly assoat, the evils are, perhaps, not to be imputed fo much to the encreased or general depravity of the human character, as to the deficiency of the laws, in not advancing progreffively in the means of prevention, in proportion to the introduction of luxury, and the additional temptations which the influx of wealth, and the intercourse of commerce occafions in every country.

Mankind have ever been the fame in all ages—and while it ought not to be forgotten, that those who have

have been exhibited, in this Treatife, as the most deformed part of the human race, were once innocent, and many of them, perhaps, victims to the deficiency which has been shewn to pervade the system, with respect to the prevention of crimes :- Charity claims a tear of pity for their forlorn condition, while the same principle of benevolence must create a desire wherever the remedies fuggested in this Work strike the mind as being practicable and proper, to promote their early adoption; that while those who are innocent, but ready to rush into the same gulph of misery and crimes, are arrested in their progress, and faved to the community; the more depraved and criminal who are already profelyted, may be disposed of in fuch a manner as to guard the public against their reiterated acts of fraud, violence and depredation.

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ERRORS OF THE PRESS.

Advertisement, page xvii, line 21, for, While therefore, the miserable condition, read, While therefore, we deplore the miserable condition.

Chap. V. page 111, line 3, for have been, read be.

Chap. VI. page 112, line 3, for introduced, read used.

Chap. XV. page 439, line 21, for 52,000,000, read 50,182,000.

Index, page xxii, last line, for constraints, read contracts.